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Port of Singapore Authority Ordinance

Bill No. 3/1963.

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PORT OF SINGAPORE AUTHORITY ORDINANCE, 1963

(No. of 1963)

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A BILL

intituled

An Ordinance to establish a corporation to be known as “The Port of Singapore Authority” and to provide for the transfer to, and for the vesting in, the corporation of the functions, assets and liabilities of the Singapore Harbour Board established under the provisions of the Ports Ordinance (*Chapter 208 of the Revised Edition*) and of certain functions, assets and liabilities, as the case may be, of the Government and of the Pilot Board appointed under the Merchant Shipping Ordinance (*Chapter 207 of the Revised Edition*) and of the Collector appointed under the Port Dues Ordinance, 1960 (*No. 22 of 1960*), and for matters incidental thereto; and to repeal certain provisions of the Merchant Shipping Ordinance (*Chapter 207 of the Revised Edition*).

Be it enacted by the Yang di-Pertuan Negara with the advice and consent of the Legislative Assembly of Singapore, as follows: —

PART I
PRELIMINARY

Short title and commencement

5 1.—(1) This Ordinance may be cited as the Port of Singapore Authority Ordinance, 1963, and shall come into operation on such date as the Yang di-Pertuan Negara may by notification in the *Gazette* appoint.

10 (2) The Yang di-Pertuan Negara may appoint different days for the coming into operation of different Parts or provisions of this Ordinance.

Interpretation

2. In this Ordinance, unless the context otherwise requires —

“animal” means any animate thing of every kind except human beings;

15 “approach to the port” means any navigable channel declared under section 3 of this Ordinance to be an approach to the port;

“Authority” means the Port of Singapore Authority established under section 4 of this Ordinance;

20 “Authority pilot” means a pilot employed by the Authority pursuant to the provisions of section 73;

“beacon” means any light, mark or sign used as an aid to navigation, other than a lighthouse or buoy;

25 “buoy” includes any floating light, mark or sign used as an aid to navigation, other than a lighthouse;

“Chairman”, except in section 75 of this Ordinance, means the Chairman of the Authority for the time being and includes any Deputy Chairman appointed by the Minister under the provisions of this Ordinance;

30 “dock” includes drydocks and the entrances thereto, graving docks, gridirons, slips, keel blocks, inclined planes, and all

machinery, works, fixtures and things whatsoever attached or pertaining thereto;

“dues” includes port dues and pilotage dues levied under this Ordinance, but does not include rates;

“functions” includes powers and duties; 5

“General Manager” means the General Manager appointed under section 32 of this Ordinance and includes any person for the time being performing the functions of the General Manager;

“goods” includes animals, carcasses, baggage and any other movable property of any kind whatsoever; 10

“harbour craft” means any vessel which plies within the port for any purpose of trade or business;

“master” includes every person, except a pilot, having command or charge of any vessel;

“owner”, when used in relation to goods, includes any consignor, consignee, shipper or agent of the owner for the sale, custody, loading, handling, discharge or delivery of such goods; and, when used in relation to any vessel, includes any part-owner, charterer, operator, consignee or mortgagee in possession thereof or any duly authorised agent of any such person; 15
20

“passenger” shall have the same meaning as in the Merchant Shipping Ordinance (Cap. 207);

“pilot” means any person not belonging to a vessel who has the conduct thereof;

“pilotage district” means any area in the port or the approaches to the port declared under section 71 of this Ordinance to be a pilotage district; 25

“Pilotage Committee” means the Pilotage Committee appointed under section 74 of this Ordinance;

“port” means any place in Singapore and any navigable river or channel leading into such place declared to be the port under section 3 of this Ordinance; 30

“Port Master” means the Port Master appointed under section 33 of this Ordinance and includes any Deputy Port Master appointed under the same section;

5 “premises” includes messuages, houses, buildings, lands, tenements, easements and hereditaments of any tenure, whether open or enclosed, whether built on or not, whether public or private, and whether maintained or not under statutory authority;

10 “rates” means any rates or charges leviable by the Authority under this Ordinance and includes any toll or rent, but does not include dues;

“Singapore Harbour Board” means the Singapore Harbour Board constituted under the Ports Ordinance (Cap. 208);

15 “train” includes locomotive, engine, tender, wagon, trolley and rolling stock of all kinds used, whether separately or in conjunction, on a railway;

“vehicle” means any vehicle other than a train or vessel;

“vessel” includes any ship or boat or any other description of vessel used in navigation;

20 “wharf” includes a quay, pier, jetty or other landing place.

Declaration of ports

3.—(1) The Minister may, after consultation with the Authority and by notification in the *Gazette* —

25 (a) declare any place or places in Singapore and any navigable river or channel leading into such place or places to be the port within the meaning of this Ordinance;

(b) declare any navigable channel leading into the port to be an approach to the port within the meaning of this Ordinance.

30 (2) Every such declaration shall define the limits of the port or the approaches to the port, as the case may be.

(3) Until other provision is made in pursuance of this section, the Singapore Port Limits Declaration, 1956, made under sections 6 and 7

of the Merchant Shipping Ordinance (Cap. 207), shall be deemed to be a declaration made under this section.

[G.N. No. S 219/56]

PART II

THE PORT OF SINGAPORE AUTHORITY

Establishment, Incorporation, Constitution, Duties, Powers and Proceedings of the Authority

Establishment and incorporation of the Authority

4. There is hereby established a body to be known as “The Port of Singapore Authority” which shall be a body corporate and may sue and be sued in its corporate name, and shall have perpetual succession, and subject to the provisions of this Ordinance, may enter into contracts, and may acquire, purchase, take, hold and enjoy movable and immovable property of every description and may sell, convey, assign, surrender, and yield up, charge, mortgage, demise, reassign, transfer or otherwise dispose of, or deal with, any movable or immovable property vested in the Authority upon such terms and conditions as to the Authority seem fit.

Common seal

5. The Authority shall have a common seal and such seal may, from time to time, be broken, changed, altered and made anew as to the Authority seems fit, and, until a seal is provided under this section, a stamp bearing the inscription “The Port of Singapore Authority, Singapore” may be used as the common seal.

Constitution and proceedings of the Authority

6. The provisions contained in the First Schedule to this Ordinance shall have effect with respect to the constitution and proceedings of the Authority.

Salaries, fees and allowances payable to members of the Authority

7. There shall be paid to the Chairman and other members of the Authority, out of the funds of the Authority, such salaries, fees and

allowances as the Yang di-Pertuan Negara may, from time to time, determine.

Protection from personal liability

5 **8.**—(1) No matter or thing done and no contract of any kind entered into by the Authority and no matter or thing done by any member of the Authority or by any employee thereof or any other person whomsoever acting under the direction of the Authority shall, if the matter or thing was done or the contract was entered into *bona fide* for the purpose of carrying out the provisions of this Ordinance, subject
10 any such member or employee or any other person acting under the direction of the Authority personally to any action, liability, claim or demand whatsoever in respect thereof.

(2) Any expense incurred by the Authority or any member, employee or other person so acting under the direction of the
15 Authority shall be paid out of the funds of the Authority.

Public servants

9. The members of the Authority and the employees thereof of every description shall be deemed to be public servants within the meaning of the Penal Code (Cap. 119).

Duties of the Authority

20 **10.** Subject to the provisions of this Ordinance, it shall be the duty of the Authority —

(a) to provide and maintain adequate and efficient port services and facilities in the port;

25 (b) to regulate and control navigation within the limits of the port and the approaches to the port and to provide pilotage services;

(c) to promote the use, improvement and development of the port; and

30 (d) to carry out such other duties as are imposed upon the Authority by this Ordinance.

Powers of the Authority

11.—(1) Subject to the provisions of this Ordinance, the Authority may carry on such activities as appear to the Authority to be advantageous, necessary or convenient for it to carry on for or in connection with the discharge of its duties under this Ordinance and, without prejudice to the generality of the foregoing, the Authority may exercise all or any of the powers specified in the Second Schedule to this Ordinance.

5

(2) Notwithstanding the provisions of subsection (1) of this section, the Authority may, with the approval of the Minister, carry on such other activities as the Authority may, from time to time, consider expedient.

10

(3) The provisions of this section shall not be construed as limiting any power of the Authority conferred by or under any written law.

Powers of the Minister in relation to the Authority

15

12.—(1) The Authority shall afford to the Minister facilities for obtaining information with respect to the property and activities of the Authority, and shall furnish him with returns, accounts and other information with respect thereto and afford to him facilities for the verification of information furnished, in such manner and at such times as the Minister may require.

20

(2) The Minister may, after consultation with the Authority, give to the Authority directions of a general character, not inconsistent with the provisions of this Ordinance, as to the exercise and performance by the Authority of its functions in relation to matters appearing to the Minister to affect the interests of Singapore, and the Authority shall give effect to any such directions.

25

(3) The Minister may, after consultation with the Authority, give to the Authority specific directions for the purpose of remedying any defect which may be disclosed in the working arrangements of the Authority, and the Authority shall give effect to any such directions.

30

Power to enforce discharge of functions by the Authority

13.—(1) Notwithstanding the provisions of this Ordinance, if the Minister is of the opinion that an investigation should be made as to

whether the Authority has failed to discharge any functions under this Ordinance in any case or in any manner in which the Authority ought to have discharged its functions, the Minister may appoint a committee consisting of one or more persons to inquire into and report on the matter.

(2) For the purposes of such inquiry, the committee shall have and may exercise all the statutory and other powers which are for the time being vested in and exercisable by Magistrate's Courts for summoning and enforcing the attendance of witnesses, for administering oaths or affirmations to such witnesses and for compelling such witnesses to answer all reasonable and proper questions relative to the matters which are the subject of such inquiry.

(3) On receiving the report of the committee, the Minister shall take into consideration the findings and any recommendations contained therein, and if he is satisfied that there has been such a failure on the part of the Authority, the Minister may make an order directing the Authority to discharge such functions in such manner and within such time or times as may be specified in the order.

(4) If the Authority fails to comply with any requirement of an order made under subsection (3) of this section within the time limited thereby for compliance with that requirement, the Minister, in lieu of enforcing the order by *mandamus* or otherwise, may, with the approval of the Legislative Assembly signified by a resolution thereof, make a further order transferring to himself such of the functions of the Authority as may be therein specified.

(5) Where, under subsection (4) of this section, the Minister has by order transferred to himself any functions of the Authority —

(a) the expenses incurred by the Minister in discharging those functions shall be paid in the first instance out of moneys provided by the Government but the amount of those expenses as certified by the Accountant-General shall be recoverable from the Authority as a debt due to the Government; and

(b) the Accountant-General shall keep separate accounts of all receipts and expenditure in respect of the transferred functions.

(6) In any case where under subsection (4) of this section an order has been made by the Minister transferring to himself any functions of the Authority, the Minister may at any time and in the like manner by a subsequent order vary or revoke that order, but without prejudice to the validity of anything previously done thereunder; and when any order is so revoked the Minister may, either by the revoking order or by a subsequent order, make such provisions as appear to him to be desirable with respect to the transfer, vesting and discharge of any property or liabilities acquired or incurred by him in discharging any of the functions to which the order so revoked related.

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PART III

TRANSFER OF ASSETS, LIABILITIES, FUNCTIONS AND EMPLOYEES

Transfer of Singapore Harbour Board's assets and liabilities to the Authority

15

14.—(1) Upon the coming into operation of this Ordinance, all lands, buildings and other property, movable and immovable, of the Singapore Harbour Board, including all assets, powers, rights, interests and privileges of the said Board shall be transferred to and vest in the Authority without further assurance.

20

(2) Upon such transfer, all debts, liabilities and obligations of the Singapore Harbour Board shall also be transferred to and be deemed to have been incurred by the Authority.

Transfer of Government property to the Authority for the purposes of this Ordinance

25

15.—(1) There shall be transferred to the Authority for the purposes of this Ordinance, such lands, buildings and other property, movable or immovable, vested in or belonging to the Government as the Minister for Finance may think fit, and any lands, buildings and other property so transferred shall vest in the Authority without further assurance.

30

(2) Upon such transfer, all debts, liabilities and obligations in connection with or appertaining to such lands, buildings and other

property shall also be transferred to and be deemed to have been incurred by the Authority.

Transfer of employees

16. Upon the coming into operation of this Ordinance —

5 (a) every person employed by the Singapore Harbour Board;
and

10 (b) such persons, as the Minister may think fit, who were employed by the Government immediately prior to the coming into operation of this Ordinance and were engaged in discharging any of the functions vested in the Authority by this Ordinance,

shall be deemed to be transferred to the service of the Authority on terms as near as may be to those they had enjoyed immediately prior to the coming into operation of this Ordinance, and such terms, which shall be determined by the Authority, shall take into account salaries and conditions of service enjoyed by them when in the employ of the Government or of the Singapore Harbour Board, as the case may be:

15
20 Provided that nothing in this section shall preclude the secondment to the Authority of officers in the employment of the Government on such terms as may be agreed upon by the Government and the Authority.

Application of regulations made in respect of Singapore Harbour Board employees

25 17.—(1) Until other provision is made, the Singapore and Penang Harbour Boards Provident Fund Regulations, the Ports (Singapore Harbour Board) (Pension Scheme) Regulations, 1949, the Harbour Boards Superannuation Schemes Regulations, 1938, and the Singapore Harbour Board Regulations governing the Scale of
30 of Gratuities payable to employees in receipt of daily or hourly rates of pay, shall continue to apply to the Authority and to every person mentioned in paragraph (a) of section 16 of this Ordinance in the like manner as the said regulations applied to the Singapore Harbour Board and to persons in the employment of the Singapore Harbour Board immediately prior to the coming into operation of this

Ordinance, and every reference to the Singapore Harbour Board or to its employees or to service or employment with the Singapore Harbour Board in the said regulations shall be construed respectively as a reference to the Authority or to persons mentioned in paragraph (a) of section 16 of this Ordinance or to service or employment with the Authority in respect of such persons. 5

[G.N. Nos. S 9/56; S 386/49; 3328/38]

(2) Subject to the provisions of the said regulations, every such person may count his previous service with the Singapore Harbour Board for the purpose of determining the benefits to which he becomes entitled under subsection (1) of this section. 10

Minister to make rules in respect of transferred Government employees

18. The Minister shall make rules to provide for the payment to every person mentioned in paragraph (b) of section 16 of this Ordinance of benefits not less in value than the amount of any pension, gratuity or allowance for which such person or his dependants would have been eligible under the Pensions Ordinance, 1956, and the regulations made thereunder, had he continued to be in the service of the Government. Nothing in such rules shall adversely affect any conditions that would have been applicable to such pension, gratuity or allowance under such Ordinance or such regulations. 15 20

No entitlement in respect of abolition or re-organisation of office

19. Notwithstanding the provisions of the Pensions Ordinance, 1956, and the regulations referred to in subsection (1) of section 17 of this Ordinance, any person who is transferred to the service of the Authority under section 16 of this Ordinance shall not be entitled to claim any benefits under the said Ordinance or the said regulations on the ground that he has been retired from the service of the Singapore Harbour Board or of the Government, as the case may be, on account of abolition or re-organisation of office. 25 30

PART IV

PROPERTY AND DOCKYARD UNDERTAKINGS OF THE
AUTHORITY**Power to acquire property**

5 **20.** The Authority may acquire any property or any interest therein or any easement over any immovable property, whether by way of purchase, lease, exchange or otherwise, for the purposes of this Ordinance.

Compulsory acquisition of land

10 **21.—**(1) Where any immovable property, not being Crown land, is needed for the purposes of the Authority and cannot be acquired by agreement, the Authority may request, and the Yang di-Pertuan Negara may, if he thinks fit, direct the acquisition of such property and in such case, such property may be acquired in accordance with the
15 provisions of any written law relating to the acquisition of land for a public purpose and any declaration under any such written law that such land is so needed may be made notwithstanding that compensation is to be paid out of the funds of the Authority, and such declaration shall have effect as if it were a declaration that such
20 land is needed for a public purpose made in accordance with such written law.

(2) The Authority shall not, without the consent in writing of the Minister, sell, exchange or otherwise dispose of any land or any interest therein, acquired by it under this section.

Power to vest reclamations in the Authority

25 **22.—**(1) Any wharf, dock or other public work constructed by the Government along, across or extending out from the foreshore situate within the limits of the port and the land on which the same is constructed, and any land reclaimed from the sea, and any part of the
30 foreshore situate within the limits aforesaid, may be vested in the Authority upon such terms and conditions as the Minister may determine.

(2) Nothing in this section shall be construed as authorising the vesting in the Authority of any foreshore otherwise than in accordance

with the Foreshores Ordinance (Cap. 246), unless the same is not subject to public rights or unless it is intended to vest the same in the Authority subject to public rights.

Power to sell or exchange property

23.—(1) Subject to the provisions of subsection (2) of section 21 of this Ordinance, the Authority may sell or exchange any property vested in it by virtue of this Ordinance or acquired by it for the purposes thereof either in block or in parcels, whichever the Authority finds most convenient and advantageous to do. 5

(2) The Authority shall have power to lease or let, with or without taking a premium, any property vested in or acquired by it or to grant easements, wayleaves, rights of way, temporary licences or other rights or privileges over, under, through or in respect of any lands or buildings belonging to the Authority upon such terms and conditions as the Authority may think fit. 10
15

Apparatus, etc., not to be subject to distress, etc.

24. When any apparatus, fixture or fitting belonging to the Authority is placed in or upon any premises not being in the possession of the Authority for the purposes of carrying out the functions of the Authority, such apparatus, fixture or fitting shall not be subject to distress nor be taken in execution under process of any court or any proceedings in bankruptcy against the person in whose possession the same is. 20

Damage to property

25.—(1) If any person wilfully removes, destroys or damages any property belonging to the Authority or hinders or prevents such property from being used or operated in the manner in which it is intended to be used or operated, he shall be guilty of an offence under this Ordinance and shall be liable on conviction to a fine not exceeding five hundred dollars, and on application by the Authority, a court may order the offender to pay compensation to the Authority for any damage done by him. 25
30

(2) Any person may apprehend any other person if such other person within his view commits an offence against the provisions of

this section and shall on such apprehension, without unreasonable delay, hand over the person so apprehended to a police officer.

5 (3) Any person who carelessly or accidentally removes, destroys or damages any property belonging to the Authority or hinders or prevents such property from being used or operated in the manner in which it is intended to be used or operated shall pay by way of compensation to the Authority, such sum of money not exceeding five hundred dollars as a Magistrate's Court thinks reasonable.

10 (4) Nothing in this section shall prevent the Authority from taking any legal proceedings open to it at law before any court having jurisdiction for the recovery of the full amount of the damage caused by such person.

Master, owner or person in charge of vessel answerable for damage

15 **26.**—(1) In every case in which any damage is done to any property of the Authority by any vessel or float of timber or by any person employed in or about the same, the cost of making good such damage may be recovered by the Authority from the master, owner or person in charge of such vessel or float of timber.

20 (2) The Authority may detain any such vessel or float of timber until the cost of making good such damage has been paid to the Authority or security has been given to the Authority for the amount thereof.

(3) For the purposes of subsection (2) of this section, the provisions of subsection (3) of section 59 of this Ordinance shall apply.

Damage to the Authority's property to be made good in addition to penalty

25 **27.**—(1) If through any act, neglect or default on account whereof any person has incurred any penalty imposed under this Ordinance, any damage to the property of the Authority has been committed by such person, he shall be liable to make good such damage as well as
30 pay such penalty.

(2) The amount of such damage shall, in case of dispute, be determined by the court by which the party incurring such penalty has

been convicted, and may be recovered as if it were a fine imposed by the court.

Extent of application of other written law to premises of the Authority

28.—(1) The premises vested in the Authority shall be exempt from the operation of the Municipal Ordinance (Cap. 133 (1936 Edition)) and the Local Government Ordinance, 1957 (Ord. 24 of 1957), and the by-laws made thereunder or any written law repealing and re-enacting the provisions thereof, save and except that the provisions of the said Ordinances and of the by-laws made thereunder or of any written law repealing and re-enacting the provisions thereof which relate to —

- (a) the construction, alteration and demolition of buildings intended for use as domestic buildings, dwelling-houses, shop-houses and matters incidental thereto;
- (b) the construction of new public streets;
- (c) the conservancy and the collection, removal and disposal of nightsoil, dung, trade and garden refuse and filth;
- (d) the provision, construction, maintenance and repair of wells, cesspools, privies, septic tanks and sewage purification plant;
- (e) the control, regulation and supervision by registration, licensing or otherwise of —
 - (i) stables, cattle-sheds and places for keeping sheep, cattle, goats, swine or poultry;
 - (ii) premises used for the keeping in captivity for sale or exhibition of animals;
 - (iii) the sale of perishable food and milk;
 - (iv) the carrying on of the trade of cow-keepers, dairymen and purveyors of milk;
 - (v) public houses, liquor shops, boarding houses, nursing homes, maternity homes, labourers' dwellings and places used for the reception of sick or dying persons;

- (vi) public bathing and washing accommodation;
- (vii) markets;
- (viii) persons engaged or employed in markets; and
- (ix) the weights and measures to be used in markets;
- 5 (f) the licensing, establishment and regulation of slaughter-houses;
- (g) the seizure and disposal of unwholesome flesh, fish, fruit, vegetables or other provisions exposed or intended for sale;
- (h) the prevention and abatement of nuisances;
- 10 (i) the control, regulation and supervision by registration, licensing or otherwise of premises or anything therein used for the purpose of any offensive trade;
- (j) the construction, control and management by registration, licensing or otherwise of places in which food or drink for
- 15 human consumption is sold, prepared or stored for sale;
- (k) the overcrowding of houses;
- (l) the destruction of rats, mice or other vermin;
- (m) the prevention of the wasting of water;
- (n) the regulation, restriction, prevention and licensing of the
- 20 exhibition of advertisements, sky-signs and aerial signs in or on any premises or in, on or by means of any train, vehicle, vessel or aircraft; and
- (o) the control, regulation and supervision by registration, licensing or otherwise of places used for performances,
- 25 theatres, wayangs, concerts and other public exhibitions and entertainments,

shall be applicable and in force within the said premises, and the Government or public officer or statutory body for the time being responsible for the administration of the said provisions shall have the

30 same powers and authorities for enforcing the performance and observance of the said provisions in the said premises:

Provided that where any of the premises are used by the Authority in pursuance of this Ordinance for any of the purposes referred to in this subsection, no licence fees shall be payable by the Authority.

(2) The Minister may, after consultation with the Authority, by order published in the *Gazette* declare that any other provisions of the said Ordinances and by-laws or of any written law repealing or re-enacting the provisions thereof, shall apply to the premises of the Authority, and thereupon the same shall apply accordingly.

(3) Where application is made for water supply for domestic or other purposes by the Authority to the City Council or other statutory body responsible for the supply of water and the parties are unable to agree upon terms and conditions for such supply, the City Council or such other statutory body shall refer the matter to the Minister responsible for the City Council or such other statutory body, who may determine the terms and conditions on which such supply shall be given.

Incorporated private company to be formed

29.—(1) The Authority shall, as soon as practicable after the coming into operation of this Ordinance, cause to be formed under the provisions of the Companies Ordinance (Cap. 174) an incorporated private company (hereinafter in this Part of this Ordinance referred to as the “Company”) limited by shares to be held by the Authority and having as its principal object the acquisition and taking over as a going concern of the dockyard undertakings of the Authority with a view to carrying on, developing and extending the same.

(2) The Company shall be registered in the name of “The Singapore Drydocks and Engineering Company, Limited”.

(3) The memorandum of association of the Company shall provide, *inter alia*, for the payment for the dockyard undertakings of the Authority acquired by the Company, in fully or partly paid shares of the Company or otherwise.

(4) Notwithstanding the provisions of the Companies Ordinance (Cap. 174), there shall be registered with the memorandum of association of the Company articles of association prescribing regulations for the Company.

(5) Such articles of association shall contain, *inter alia*, such provisions relating to —

- (a) the capital and share structure of the Company;
- (b) the qualification, appointment, remuneration, powers and proceedings of Directors;
- (c) dividends and reserve funds; and
- (d) the winding up of the Company,

as may be directed by the Minister, and shall also provide that such employees of the Authority as are transferred to the Company shall enjoy salaries and conditions of service as near as may be to those on which they were employed by the Authority.

(6) For the purposes of this section,

“dockyard undertakings of the Authority” means the installations of the Dockyard Department of the Authority and all lands, buildings and other property, movable or immovable, vested in the Authority and used for the purposes of ship-repairing, shipbuilding, drydocking and other related works and includes all assets, powers, rights, interests and privileges as well as debts, liabilities and obligations of the Authority in connection therewith or appertaining thereto.

The Authority to provide capital

30. The Authority shall, upon the incorporation of the Company, advance to the Company such sum as the Authority considers necessary for the provision of capital upon such terms and conditions as the Authority may determine, and may, from time to time, advance such further sums as may be requested by the Company, upon such terms and conditions as the Authority may determine.

Shares not to be sold

31. Except with the sanction of the Minister, the Authority shall not sell or otherwise dispose of any of its shares in the Company.

PART V

PROVISIONS RELATING TO STAFF

Appointment of General Manager

32.—(1) The Authority shall, with the approval of the Minister, appoint a General Manager on such terms and conditions as the Authority may think fit. 5

(2) The General Manager shall not be removed from office without the consent of the Minister.

(3) The Minister shall consult the Public Service Commission before granting his approval under subsection (1) of this section or before giving his consent under subsection (2) of this section. 10

(4) If the General Manager is temporarily absent from Singapore or temporarily incapacitated by illness or for other reasons temporarily unable to perform his duties, another person may be appointed by the Authority to act in the place of the General Manager during any such period of absence from duty. 15

Appointment of Port Master and Deputy Port Masters

33. The Authority shall appoint a Port Master for the purposes of this Ordinance, and may appoint such number of Deputy Port Masters as it may think fit for all or any of the purposes of this Ordinance. 20

Lists of posts and appointment of employees

34.—(1) The Authority shall approve a list of posts which it thinks necessary for the purposes of this Ordinance and may, from time to time, add to or amend the same. The first such list of posts shall contain the posts to be filled by all the persons transferred to the service of the Authority under section 16 of this Ordinance. 25

(2) The Authority shall not employ any person unless he holds a post appearing in the list of posts for the time being in force:

Provided that this subsection shall not apply to persons employed on daily or hourly rates of pay or engaged in contract labour or employed temporarily for a period not exceeding two months. 30

(3) The Minister may, with the consent of the Public Service Commission, declare that appointments and promotions to such posts or classes of posts as he deems fit, and the termination of appointment, dismissal and disciplinary control of persons appointed to such posts, shall be vested in the Authority acting on the advice of the Public Service Commission, and upon such declaration, the Authority shall exercise such functions on the advice of the Public Service Commission.

(4) Subject to the provisions of this section —

(a) appointments and promotions to all posts shall be made by the Authority; and

(b) the termination of appointment, dismissal and disciplinary control of the employees of the Authority shall be vested in the Authority.

(5) The Authority may, with the approval of the Minister make rules, not inconsistent with the provisions of this Ordinance or of any other written law, for the appointment, promotion, disciplinary control and terms and conditions of service of all persons employed by the Authority, and may in making such rules provide that any employee who is guilty of a breach of any of such rules may either be dismissed or be punished with such less severe disciplinary action as in the circumstances may seem just.

(6) Without prejudice to the generality of subsection (5) of this section, the Authority shall, with the approval of the Minister, prescribe the rates of remuneration payable to persons employed by the Authority, and no person so employed shall be paid otherwise than in accordance with such rates.

Pension schemes, provident fund, etc.

35.—(1) Subject to the approval of the Minister, the Authority may make rules for the establishment of a scheme or schemes for the payment of pensions, gratuities, provident fund or other superannuation benefits to such employees or classes of employees of the Authority as it may determine, or to their legal personal representatives or dependants, on the death or retirement of such

employees from the service of the Authority or on their otherwise leaving the service of the Authority.

(2) The following provisions shall apply to any scheme established under this section —

- (a) no assurance on the life of any contributor under any such scheme, and no moneys or other benefits payable under any such assurance, and no payment made under any such scheme to any person who has been employed by the Authority, shall be assignable or transferable, or liable to be garnished, attached, sequestered or levied upon for or in respect of any debt or claim whatsoever, other than a debt due to the Authority or to the Government; 5 10
- (b) no contribution by the Authority or its employees made under any such scheme and no interest thereon shall be assignable or transferable or liable to be attached, sequestered or levied upon for or in respect of any debt or claim whatsoever other than a debt due to the Authority or to the Government; 15
- (c) no such contribution or interest shall be subject to the debts of the contributor, nor shall such contribution or interest pass to the Official Assignee on the bankruptcy of such contributor, but, if such contributor is adjudicated a bankrupt or is declared insolvent by a court, such contribution or interest shall, subject to the provisions of this Ordinance, be deemed to be subject to a trust in favour of the persons entitled thereto on the death of the contributor; 20 25
- (d) the bankruptcy of a contributor shall not affect the making of deductions from the salary of the contributor in accordance with any such scheme, but such deductions shall continue to be made notwithstanding the provisions of any written law, and the portion of salary so deducted shall not be deemed to form part of his after-acquired property; and 30
- (e) subject to the provisions of any such scheme, all moneys paid or payable under any such scheme on the death of a 35

contributor shall be deemed to be subject to a trust in favour of the persons entitled thereto under the will or intestacy of such deceased contributor, or under a nomination in such form as may be prescribed in such scheme, and shall not be deemed to form part of his estate or be subject to the payment of his debts but shall be deemed to be property passing on his death for the purposes of the Estate Duty Ordinance (Cap. 162).

(3) The Authority in making, under this section, any pension, provident fund or other superannuation rules which affect any person transferred to the service of the Authority under section 16 of this Ordinance shall, in such rules, provide for the payment to such person or his dependants of benefits not less in value than the amount of any pension, provident fund, gratuity or allowance for which such person would have been eligible under the Singapore and Penang Harbour Boards Provident Fund Regulations, the Ports (Singapore Harbour Board) (Pension Scheme) Regulations, 1949, the Harbour Boards Superannuation Schemes Regulations, 1938, the Singapore Harbour Board Regulations governing the Scale of Gratuities payable to employees in receipt of daily or hourly rates of pay, or the Pensions Ordinance, 1956 (Ord. 22 of 1956), had he continued to be in the service of the Singapore Harbour Board or of the Government, as the case may be. Nothing in such rules shall adversely affect any conditions that would have been applicable to such provident fund, pension, gratuity or allowance under such Ordinance or such regulations.

[G.N. Nos. S 9/56; S 386/49; 3328/38]

Safeguarding of Joint Provident Fund benefits

36.—(1) No payment payable out of the Singapore and Penang Harbour Boards Provident Fund (hereinafter referred to as “the Joint Provident Fund”) nor any right or interest acquired by any person thereunder shall be assignable or transferable or liable to be attached, sequestered or levied upon for or in respect of any debt or claim whatsoever.

(2) Any moneys paid out of the Joint Provident Fund on the death of any person shall be deemed to be impressed with a trust in favour of

the persons entitled thereto under the will or intestacy of such deceased person, and shall not be deemed to form part of his estate or be subject to the payment of his debts but shall be deemed to be property passing on his death for the purposes of the Estate Duty Ordinance (Cap. 162). 5

(3) Any person may by will or by a memorandum under his hand appoint a trustee or trustees of the moneys payable on his death out of the Joint Provident Fund and may make provision for the appointment of a new trustee or new trustees of such moneys and for the investment thereof. 10

(4) If at the time of the death of any person or at any time afterwards, there is no trustee of such moneys or it is expedient to appoint a new trustee or new trustees, then and in any such case, a trustee or trustees or a new trustee or new trustees may be appointed by the High Court or a Judge thereof. 15

(5) The receipt of a trustee or trustees duly appointed, or in default of any such appointment and of written notice thereof to the Authority the receipt of the legal personal representative of a deceased person, shall be a discharge to the Authority for any moneys payable on his or her death out of the Joint Provident Fund. 20

(6) Any officer or servant of the Authority who is a contributor to the Joint Provident Fund shall, if he is dismissed the service of the Authority for fraud or dishonesty or misconduct, which involves pecuniary loss to the Authority, or retires from or resigns his office with intent to escape discharge or dismissal in consequence of such fraud, dishonesty or misconduct, forfeit, at the absolute discretion of the Authority, all or any part of his contribution to the Fund and the interest accrued thereon and the accumulations thereof, and shall also lose all benefits whatever from the Fund, except that the Authority may, at its discretion, direct the repayment to him of the whole or such part of his contributions to the Fund and the interest accrued thereon and the accumulations thereof as the Authority in its discretion thinks fit. 25 30

Gratuity to employees or dependants of deceased employees

37. Where any person in the service of the Authority, whose case does not come within the scope and effect of any pension or other schemes established under section 35 of this Ordinance, retires or dies
 5 in the service of the Authority or is discharged from such service, the Authority may, with the approval of the Minister, grant to him or to such other person or persons wholly or partly dependent on him as the Authority may think fit such allowance or gratuity as the Authority may determine.

PART VI

FINANCIAL PROVISIONS

Purposes for which the funds of the Authority may be expended

38.—(1) The revenue of the Authority in any year shall be applied in payment of the following charges: —

- 15 (a) the interest and sinking fund contributions on any loan payable by the Authority;
- (b) the sums required to be paid to the Government towards repayment of any loan made by the Government to the Authority;
- 20 (c) the salaries, fees and allowances of the members of the Authority;
- (d) the salaries, fees, allowances, remuneration, pensions, gratuities, provident fund and other superannuation benefits of the employees, agents, Auditor and technical
 25 or other advisers of the Authority;
- (e) the working and establishment expenses of, and the expenditure on, or provision for the maintenance of any of the installations of the Authority, and the discharge of the functions of the Authority properly chargeable to revenue
 30 accounts;
- (f) such sums as the Authority may deem appropriate to set aside in respect of depreciation or renewal of property of

the Authority, having regard to the amount set aside out of revenue under paragraphs (a) and (b) of this subsection;

- (g) the cost, or any portion thereof, of any new works, plant, vessels or appliances not being a renewal of the property of the Authority, which the Authority may determine to charge to revenue; 5
- (h) such sums by way of contribution to public or charitable objects associated with the objects of this Ordinance as the Authority, with the approval of the Minister, may determine; and 10
- (i) any other expenditure authorised by the Authority and properly chargeable to revenue.

(2) The balance of the revenue of the Authority shall be applied for the creation of a general reserve or such other reserves or capital fund as the Authority may deem appropriate. 15

Investment of funds

39. The Authority may, from time to time, invest any of its funds, not immediately required to be expended in the meeting of the obligations or in the discharge of the functions of the Authority, in securities authorised for the investment of trust funds by any written law for the time being in force: 20

Provided that the Minister may require the Authority to invest any such funds in such of the aforesaid securities as he may direct.

Borrowing powers

40.—(1) The Authority may, from time to time, for the purposes of this Ordinance, raise loans from the Government or, with the consent of the Minister, from any other source, either by the creation and issue of debentures, stock or bonds, or otherwise, as the Minister may direct. 25

(2) The Authority shall pay interest on such loans at such rate and at such times, and shall make such provision for the mode and time or times of repayment of principal, as may be approved by the Minister after consultation with the Authority. 30

(3) The Authority may, with the consent of the Minister, from time to time borrow by way of a temporary loan or overdraft from a bank or otherwise, any sum which it may temporarily require —

5 (a) for the purpose of defraying expenses pending the receipt of revenues receivable by it in respect of the period of account in which those expenses are chargeable; or

10 (b) for the purpose of defraying, pending the receipt of money due in respect of any loan authorised to be raised under subsection (1) of this section, expenses intended to be defrayed by any such loan.

Loans charged upon the revenues of the Authority

15 **41.** All loans raised by the Authority under section 40 of this Ordinance, together with all interest and other sums payable in respect thereof, shall be charged indifferently upon all the revenues of the Authority and shall rank equally one with another, with priority over any other charge on the revenues of the Authority.

Annual estimates

20 **42.—**(1) The Authority shall every year cause to be prepared and shall adopt annual estimates of income and expenditure of the Authority for the ensuing year.

(2) Supplementary estimates may be adopted by the Authority at any of its meetings.

25 (3) A copy of all annual estimates and supplementary estimates shall, upon their adoption by the Authority, be sent forthwith to the Minister.

(4) A summary of the annual estimates and supplementary estimates adopted by the Authority shall be published in the *Gazette*.

Accounts

30 **43.—**(1) The Authority shall cause proper accounts and other records in relation thereto to be kept, and an annual statement of accounts to be prepared in respect of each year.

(2) The accounts of the Authority shall be kept and made up to the 31st day of December in each year.

(3) The annual statement of accounts of the Authority shall present a true and fair view of the financial position of the Authority and of the results, for the year to which it relates, of the operations of the Authority.

5

Audit

44.—(1) The Minister shall nominate in each year the Director of Audit or any person authorised under section 134 of the Companies Ordinance (Cap. 174) to be an auditor of companies generally (hereinafter in this Ordinance referred to as the “Auditor”) to audit the accounts of the Authority.

10

(2) The Auditor shall be paid out of the revenue of the Authority such remuneration, expenses or fees as the Minister, after consultation with the Authority, shall direct.

15

(3) For the purpose of the audit of accounts under this Ordinance, the Auditor may by notice in writing require the production before him of any book, deed, contract, account, voucher or other document which he may deem necessary to call for, and may require any person holding or accountable for any such document to appear before him and make and sign a statement in relation thereto and may require from any such person such information as he deems necessary.

20

(4) Any person who, being required by the Auditor under subsection (3) of this section to produce any document or to appear before him and make and sign a statement as aforesaid or to furnish information, fails without reasonable excuse to comply with such requisition, shall be guilty of an offence under this Ordinance and shall be liable on conviction to a fine not exceeding two hundred dollars, and in the case of continuing failure to comply with such requisition, to a fine not exceeding one hundred dollars for every day or part of a day during which such failure continues after the date of conviction thereof.

25

30

Auditor's reports

5 **45.** The Auditor shall, as soon as practicable and not later than three months after the accounts have been submitted for audit, send an annual report of his audit to the Authority. He shall also submit such periodical and special reports to the Minister and to the Authority as may to him appear necessary.

Annual statement of accounts

10 **46.—**(1) The Authority shall, within two months of the submission of the Auditor's annual report, send to the Minister a statement of accounts and the balance sheet in respect of that year, signed by the Chairman and certified by the Auditor, together with a copy of the Auditor's report on such annual accounts.

15 (2) The Minister shall cause a copy of every such annual statement of accounts and balance sheet, together with the Auditor's annual report, to be presented to the Legislative Assembly.

Annual Report

20 **47.—**(1) The Authority shall, as soon as practicable after the end of each year, cause to be prepared and transmitted to the Minister a report dealing generally with the activities of the Authority during the preceding year and containing such information relating to the proceedings and policy of the Authority as the Minister may, from time to time, direct.

(2) The Minister shall cause a copy of every such report to be presented to the Legislative Assembly.

25

PART VII

DUES AND RATES

Port dues payable in respect of vessels

30 **48.—**(1) The master or owner of every vessel, other than a vessel exempted under the provisions of subsection (2) of this section, which —

- (a) enters the port for the purpose of loading or discharging cargo or embarking or disembarking passengers; or
- (b) occupies an anchorage or berth within the port for a period exceeding thirty days,

shall pay to the Authority port dues according to the scale set out in Part IA of the Third Schedule to this Ordinance. 5

(2) There shall be exempted from port dues under this section —

- (a) any harbour craft required to pay port dues under the provisions of section 49 of this Ordinance;
- (b) any vessel discharging cargo or disembarking passengers solely for the purpose of effecting repairs or of determining whether such repairs are necessary, whether or not such cargo is reloaded or such passengers are re-embarked; and 10
- (c) any vessel or harbour craft belonging to the Government of the Federation or to the Government of any of the States comprising the Federation or to a Commonwealth or foreign government, other than any such vessel loading or discharging cargo or embarking or disembarking passengers carried for freight or fares. 15

Port dues payable in respect of harbour craft 20

49. The master or owner of every harbour craft shall pay to the Authority annual port dues according to the scale set out in Part IB of the Third Schedule to this Ordinance.

Pilotage dues

50.—(1) The pilotage dues set out in Part IIA of the Third Schedule to this Ordinance, and, where applicable, the pilotage dues set out in Part IIB of the said Schedule, shall be paid to the Authority by the master or owner of every vessel using the services of an Authority pilot. 25

(2) If any vessel having on board an Authority pilot leads any vessel which has not an Authority pilot on board, the Authority shall be entitled to the full pilotage dues for the distance run as if the Authority pilot had actually been on board and had piloted that vessel. 30

Alteration of scale of dues

51. The Minister may, from time to time, after consultation with the Authority, by notification in the *Gazette*, alter the port dues or pilotage dues set out in the Third Schedule to this Ordinance.

5 Receipts

52. A receipt for port dues or pilotage dues, as the case may be, shall be given to every person paying the same, and any vessel in respect of which such receipt is not produced, when demanded by an officer duly authorised by the Authority in that behalf, may be detained until such receipt is produced.

Remission of dues

53.—(1) The Authority may, if it thinks fit, remit the whole or any part of any port dues or pilotage dues paid under this Ordinance.

(2) The Minister may, after consultation with the Authority, exempt, upon such conditions as he may impose, any vessel or harbour craft or classes thereof from any port dues or pilotage dues payable under this Ordinance.

Levy of rates

54.—(1) Subject to the provisions of this Ordinance, the Authority may levy such rates as the Authority may, with the approval of the Minister and by notification in the *Gazette*, from time to time prescribe for the use of premises, works or appliances belonging to the Authority and for services or facilities provided by the Authority, and, without prejudice to the generality of the foregoing, for any of the following matters: —

- (a)** the landing, shipping, wharfage, crantage, storage or carriage of goods;
- (b)** the carriage of passengers;
- (c)** the use by any vessel or person of any premises, wharf or dock under the control of the Authority;
- (d)** the use of any gear, tackle, instruments, tools, utensils, staging or materials supplied by the Authority for the

purpose of any vessel using or any person working in any premises, wharf or dock under the control of the Authority;

(e) the use of any vessel or engine belonging to or maintained by the Authority for the extinction of fire;

(f) the towing of, and rendering assistance to, any vessel; 5

(g) the supply of water, fuel, electric and other forms of energy by the Authority; and

(h) the carrying out of hydrographic surveys and the laying of moorings, cable or pipes.

(2) The Authority may enter into a special agreement in respect of any of the matters referred to in subsection (1) of this section instead of charging the rate prescribed for the same. 10

(3) The Authority may make such charges as it thinks fit for services rendered or goods supplied by it in pursuance of the powers conferred by this Ordinance in respect of which no rates have been prescribed under subsection (1) of this section. 15

Remission of rates

55. The Authority may, if it thinks fit, remit the whole or any part of any rates paid under this Part of this Ordinance.

Power of entry into vessels

56. Any duly authorised representative of the Authority may enter into any vessel within the limits of the port or the approaches to the port in order to ascertain the amount of the dues or rates payable in respect of the vessel. 20

Lien on goods for recovery of rates

57.—(1) For the amount of all rates leviable under this Ordinance in respect of any goods, the Authority shall have a lien on such goods and shall be entitled to seize and detain the same until such rates are fully paid. Such lien shall have priority over all other liens and claims except claims for money payable to the Government. 25 30

(2) Rates in respect of goods to be landed shall become payable immediately on the landing of such goods.

(3) Rates in respect of goods to be shipped shall be payable before such goods are shipped.

(4) Rates in respect of goods to be removed from the premises of the Authority shall be payable on demand.

5 **Power to sell goods remaining in custody**

10 **58.**—(1) Subject to the provisions of this section and without prejudice to the provisions of section 57 of this Ordinance, if any goods which have been placed in or on the premises of the Authority are not removed therefrom within a period of twenty-one days from the time when the goods were placed in or on such premises, the Authority may, at the expiration of the said period of twenty-one days, sell by public auction all or any of such goods:

Provided that —

15 (a) in the case of goods for which a through bill of lading has been issued there shall be substituted a period of forty-two days for the period of twenty-one days referred to in this subsection; and

20 (b) if the goods are of a perishable nature the Authority may direct their removal within such shorter period, not being less than twenty-four hours after the landing thereof as the Authority may think fit, and if not so removed, the Authority may sell, by public auction or otherwise, or dispose of such goods in such manner as it may think fit.

25 (2) For the purposes of subsection (1) of this section, a sale shall not be rendered invalid by reason only that it takes place in or on premises or in an area to which the public is not admitted except on presentation of a pass.

30 (3) Before making such sale, the Authority shall give three days' notice thereof by advertisement in two local newspapers circulating in Singapore, unless the goods are of so perishable a nature as, in the opinion of the Authority, to render their immediate sale necessary or advisable, in which event such notice shall be given as the urgency of the case requires.

(4) If the address of the owner of the goods or of his agent has been stated on the manifest of the cargo, or in any of the documents which have come into the hands of the Authority, or is otherwise known, and such address is in Singapore, notice shall also be given to the owner of the goods by letter delivered at such address or sent by post and notice shall in like manner be given to the agent of the discharging vessel; but the title of a *bona fide* purchaser shall not be invalidated by reason of the omission to send the said notice, nor shall any such purchaser be bound to inquire whether such notice has been sent.

(5) The proceeds of sale shall be applied by the Authority as follows and in the following order: —

- (a) firstly, in payment of any duty payable to the Government;
- (b) secondly, in payment of the expenses of the sale;
- (c) thirdly, in payment of the rates, charges and expenses due to the Authority in respect of the goods; and
- (d) fourthly, in payment of freight and other claims or liens of which notice under the Merchant Shipping Ordinance (Cap. 207) has been given,

and by rendering the surplus, if any, to the person entitled thereto on demand, and, in case no such demand is made within one year from the date of the sale of the goods, by paying the surplus to the account of the Authority, whereupon all rights to the same by such person shall be extinguished.

Power to distrain for nonpayment of dues, rates, etc.

59.—(1) If the master or owner of any vessel in respect of which any dues, rates or penalties are payable under this Ordinance or any regulations made thereunder, refuses or neglects to pay the same or any part thereof on demand, the Authority may, in addition to any other remedy which it may be entitled to use, distrain or arrest of its own authority such vessel and the tackle, apparel or furniture belonging thereto or any part thereof, and detain the same until the amount so due is paid.

(2) In case any part of the said dues, rates or penalties, or of the costs of the distress or arrest, or of the keeping of the said vessel, tackle,

apparel or furniture remains unpaid for the space of fourteen days next after any such distress or arrest has been so made, the Authority may cause the vessel or other thing so distrained or arrested to be sold, and with the proceeds of such sale may satisfy such dues, rates or penalties and costs, including costs of sale remaining unpaid, rendering the surplus, if any, to the master or owner of such vessel on demand.

(3) If the Authority gives to the officer of the Government whose duty it is to grant the port clearance of any vessel a notice stating that an amount therein specified is due in respect of dues, rates or penalties chargeable under this Ordinance or any regulations made thereunder against such vessel or the owner or master of such vessel, such officer shall not grant such port clearance until the amount so chargeable has been paid or security has been given to the satisfaction of the Authority for the amount thereof.

(4) Where a port clearance is withheld in accordance with the provisions of subsection (3) of this section, the Authority shall pay to the Government any damages, compensation, costs or any expenses whatsoever arising out of the withholding of such port clearance.

Remedy by civil proceedings

60. Notwithstanding anything contained in sections 57 to 59 and section 120 of this Ordinance, the Authority may recover by civil proceedings any dues, rates, expenses, costs, or, in case of sale, the balance thereof, when the proceeds of sale are insufficient, or any penalties or fines payable to or recoverable by the Authority under this Ordinance or any regulations or orders made thereunder.

Rules

61. The Authority may, by notification in the *Gazette*, make rules —

- (a) to prescribe the times, places and manner at or in which dues and rates shall be paid under this Ordinance; and
- (b) to prescribe the particulars which shall be included in receipts issued in respect of the payment of dues and rates.

PART VIII

REGULATION OF THE PORT

Port Regulations

62.—(1) The Authority may, with the approval of the Minister, make regulations for the maintenance, control and management of the port and the approaches to the port, and for the maintenance of good order therein and generally for carrying out the purposes of this Ordinance, and in particular and without prejudice to the generality of the foregoing power, may make regulations for or in respect of all or any of the following matters: —

- (a) regulating traffic and preventing and removing obstruction or impediment to navigation within the limits of the port and the approaches to the port;
- (b) regulating the berths and stations to be occupied by vessels and the removal of vessels from one berth, station or anchorage to another berth, station or anchorage, and the time within which such removal shall be effected;
- (c) regulating, declaring and defining the wharves, docks and places vested in the Authority or under its control, on and from which goods shall be landed from and shipped in vessels;
- (d) regulating the manner in which and the conditions under which the loading and discharging of vessels shall be carried out, and for varying the position of vessels loading or discharging;
- (e) keeping free passages of such width as is deemed necessary within the port and along or near to the wharves, docks, moorings and other similar works in or adjoining the same and for marking out the spaces so to be kept free;
- (f) regulating the anchoring, fastening, mooring and unmooring and warping of all vessels and the use of warps, mooring buoys, chain and other moorings and the granting of permission, on such conditions as the Authority

may think fit, for the keeping or placing of private moorings or buoys;

- 5
- (g) regulating traffic, preventing obstruction and keeping order on wharves and docks and for ensuring the safety of the same and any cargo thereon;
- (h) regulating the use of fires and lights and the signals to be used and measures to be taken in case of fires in the port;
- 10
- (i) enforcing and regulating the use of navigation lights, signals and signal lights by vessels and the steps to be taken for avoiding collision by vessels navigating in the waters of the port;
- 15
- (j) the information to be supplied by the masters, owners and other persons in respect of vessels arriving and departing and of goods loaded or discharged at the wharves and premises of the Authority, and the time and manner in which such information shall be supplied;
- (k) regulating the use by vessels of whistles, sirens and other like instruments;
- 20
- (l) the prohibition of chipping, scaling or noisy repairs on vessels or the breaking up of vessels except at such places and at such times as may be prescribed;
- (m) permitting, regulating and controlling the landing and movements on shore of personnel belonging to an armed service of any foreign country;
- 25
- (n) the safe and convenient use of the wharves, docks and premises vested in the Authority or under its control and of any ferry service maintained by the Authority;
- (o) regulating the reception, storage and removal of goods within and from the premises of the Authority, and for declaring the procedure to be followed for taking charge of goods which have been damaged before landing or are alleged to have been so damaged; and
- 30
- (p) keeping clean the basins, works and premises of the Authority and the waters of the port and the approaches to

the port and for preventing oil, filth, rubbish or other thing being thrown or entering therein or thereon.

(2) The Authority shall, with the approval of the Minister, make regulations for the conveyance, loading, discharging and storage of dangerous goods within the limits of the port and, in particular and without prejudice to the generality of the foregoing, for all or any of the following matters: — 5

- (a) classifying goods as dangerous goods;
- (b) regulating the navigation and place of berthing of vessels carrying dangerous goods; 10
- (c) regulating the mode of stowing and keeping dangerous goods on board such vessel;
- (d) regulating and controlling the lighterage, landing, loading and discharging of dangerous goods;
- (e) prohibiting or subjecting to conditions and restrictions the conveyance of any kind of dangerous goods with any other kind of goods, articles or substances; 15
- (f) prohibiting the loading or discharging of dangerous goods at places within the jurisdiction of the Authority in cases where such loading or discharging appears specially dangerous to the public; 20
- (g) fixing the places and times at which dangerous goods are to be loaded or discharged and the quantity to be loaded or discharged at any one time;
- (h) regulating the mode of, and the precautions to be observed in, conveying or keeping dangerous goods and in the loading or discharging of the same; 25
- (i) fixing the times at which lights or fires are to be allowed or not allowed on board such vessels as hereinbefore mentioned; and 30
- (j) generally for protecting, whether by means similar to those abovementioned or not, persons and property from danger.

(3) For the purposes of subsection (2) of this section, the expression “dangerous goods” includes aquafortis, vitriol, naphtha, benzine, gunpowder, lucifer matches, nitroglycerine, petroleum, any explosives within the meaning of the Arms and Explosives Ordinance (Cap. 210) and any other goods which the Authority may, by notification in the *Gazette*, declare to be dangerous goods for the purposes of this section.

(4) The Authority may, in making any regulation under this section, provide that any contravention of or failure to comply with any regulation shall be an offence and may prescribe as a penalty in respect of any one offence a fine not exceeding the sum of two thousand dollars, and in the case of a continuing offence a fine not exceeding five hundred dollars for every day or part of a day during which such offence is continued after the date of the conviction thereof.

Power of Port Master in relation to vessels

63. Notwithstanding the provisions of any regulations made under section 62 of this Ordinance, the Port Master may —

- (a) direct where any vessel shall be berthed, moored or anchored and the method of anchoring within the port and the approaches to the port;
- (b) direct the removal of any vessel from any berth, station or anchorage to another berth, station or anchorage and the time within which such removal is to be effected within the port and the approaches to the port; and
- (c) regulate the moving of vessels within the port and the approaches to the port.

Penalty for disobedience of directions lawfully given

64.—(1) Any person who, without lawful excuse, refuses or neglects to obey any direction lawfully given under this Part of this Ordinance or any regulation made thereunder shall be guilty of an offence under this Ordinance and shall be liable on conviction to a fine not exceeding five hundred dollars and, in the case of a continuing offence, to a fine not exceeding one hundred dollars for every day or

part of a day during which he wilfully continues to disobey such direction.

(2) In case of any refusal or neglect or of any failure to comply with this Part of this Ordinance or any regulation made thereunder, the Authority may, whether any proceedings have been instituted against any person for such offence or not, do or cause to be done all such acts as are in its opinion reasonable or necessary for the purpose of carrying out such direction or complying with such regulation, and may hire and employ such persons as it considers proper and necessary for such purpose.

(3) All expenses incurred in doing such acts shall be paid and borne by the person or persons so offending.

Removal of certain obstructions and compensation therefor

65.—(1) If any obstruction or impediment to the navigation of the port has been lawfully made or has become lawful by reason of the long continuance of such obstruction or impediment or otherwise, the Authority may, with the approval of the Minister, cause the same to be removed or altered, making to the persons who suffer damage by such removal or alteration reasonable compensation for the damage done.

(2) If any dispute arises concerning such compensation, the amount and, if necessary, any question of liability shall be summarily ascertained and determined by a Magistrate's Court or, if the compensation claimed exceeds one thousand dollars, by a District Court.

(3) An appeal shall lie to the High Court from any decision of a Magistrate's Court or District Court under this section, and the provisions of the Criminal Procedure Code (Cap. 132) shall *mutatis mutandis* apply to all such appeals.

Fire on board vessel

66.—(1) In the event of fire breaking out on board any vessel in the port, the Port Master may proceed on board such vessel with such assistance and persons as to him seem fit, and may give such orders as seem to him necessary for scuttling such vessel, or for removing such vessel or any other vessel, to such place as to him seems proper to

prevent in either case danger to other vessels and for the taking of any other measures that appear to him expedient for the protection of life or property.

5 (2) If such orders are not forthwith carried out by the master of such vessel, the Port Master may himself proceed to carry them into effect.

(3) Any expenses incurred in the exercise of the powers conferred by subsections (1) and (2) of this section shall be recoverable from the master or owner of the vessel concerned either as a civil debt or in the manner provided by section 120 of this Ordinance.

10 **Power to board vessels**

15 **67.**—(1) The Port Master or any police, officer may go on board any vessel within the port whenever he suspects that any offence against this Part of this Ordinance has been or is about to be committed in any vessel, or whenever he considers it is necessary for him so to do in the discharge of any duty imposed upon him by this Part of this Ordinance, or otherwise by law.

20 (2) Any master of such vessel who, without lawful excuse, refuses to allow the Port Master or police officer so to enter such vessel shall be guilty of an offence under this Ordinance and shall be liable on conviction for each offence to a fine not exceeding two hundred dollars.

Execution of orders

25 **68.**—(1) All acts, orders or directions by this Part of this Ordinance or regulations made thereunder authorised to be done or given by a particular employee of the Authority may be done or given by any other employee of the Authority authorised in writing in that behalf by the Authority.

(2) Any person authorised to do any such act may call to his aid such assistance as is necessary.

30 **Indemnity to the Authority**

69. The Authority shall not be liable for any act, omission or default of the Port Master.

Exemption

70. The Minister may, after consultation with the Authority, exempt any vessel or any class or description of vessel from any of the provisions of this Part of this Ordinance.

PART IX

5

PILOTAGE

Declaration of pilotage districts

71.—(1) The Authority may, from time to time, by notification in the *Gazette* declare any area in the port or the approaches to the port to be a pilotage district.

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(2) Every such declaration shall define the limits of the pilotage district.

(3) Until other provision is made by declaration under this section, the limits of the pilotage district of Singapore shall be from the western extremity of Tanjong Teritip in a straight line to Sultan Shoal Lighthouse, thence in a straight line to Raffles Lighthouse, thence in a 069 degree direction to a position in latitude 1 degree 12.4 minutes north, longitude 103 degrees 51.5 minutes east, thence in a 049 degree direction until it meets the boundary of the territorial waters of Singapore, that is the three-mile limit drawn from the low water mark of Tembakul Island and the Island of Singapore, thence following the boundary to a position in latitude 1 degree 17.65 minutes north, longitude 104 degrees 1.2 minutes east, thence in a 310 degree direction till it meets the shore of the Island of Singapore.

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The Authority may require vessels to be under pilotage

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72.—(1) The Authority may, if it appears to the Authority to be necessary, require any vessel while navigating in any pilotage district or part thereof to be under pilotage, and the master or owner of such vessel shall comply with such requirement.

(2) A vessel while being moved within any area of the port which is or forms part of a pilotage district shall be deemed to be a vessel navigating in a pilotage district.

30

Authority to employ pilots

73.—(1) Subject to the provisions of this Ordinance, the Authority may employ such number of pilots as it deems necessary or expedient for the purpose of providing an adequate and efficient pilotage service.

(2) No person shall be employed as an Authority pilot in a pilotage district unless he is in possession of a valid licence to act as a pilot in such district issued under the provisions of section 78 of this Ordinance.

Appointment and functions of the Pilotage Committee

74. The Authority shall appoint a Pilotage Committee for the purpose of —

- (a) holding examinations and issuing, on behalf of the Authority, licences to act as an Authority pilot;
- (b) holding inquiries concerning the conduct of Authority pilots in the discharge of their duties;
- (c) making such arrangements as may be necessary for the training of persons selected for or in the pilotage service of the Authority;
- (d) investigating and advising on such matters as may be referred to the Committee by the Authority; and
- (e) carrying out such other functions as are conferred on the Pilotage Committee by this Ordinance.

Constitution of the Pilotage Committee

75.—(1) The Pilotage Committee shall consist of —

- (a) the Port Master who shall be the Chairman of the Committee; and
- (b) four other persons who, by reason of their knowledge of or experience in nautical matters, are, in the opinion of the Authority, fit and proper persons to be members of the Committee.

(2) The appointment of a member of the Pilotage Committee may be for any period not exceeding three years but such member shall be eligible for re-appointment on completion of every such period.

(3) Three members of the Pilotage Committee shall form a quorum at any meeting of the Committee. 5

(4) The Chairman of the Pilotage Committee shall preside at all meetings thereof:

Provided that if the Chairman is absent from a meeting or any part thereof, such member as the members of the Pilotage Committee present shall choose, shall preside in his place. 10

(5) The Chairman or member presiding at any meeting of the Pilotage Committee shall have a vote and, in the case of an equality of votes, a second or casting vote.

(6) Members of the Pilotage Committee who are not employees of the Government or of the Authority may be paid, out of the funds of the Authority, such fees and allowances as the Authority may, from time to time, determine. 15

Public servants

76. The members of the Pilotage Committee shall be deemed to be public servants within the meaning of the Penal Code (Cap. 119). 20

Rules

77. Subject to the provisions of this Ordinance, the Authority may, from time to time, make, vary or revoke rules for the purpose of regulating the meetings and proceedings of the Pilotage Committee.

Examination for licence

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78.—(1) The Pilotage Committee shall examine candidates for employment by the Authority as pilots and on being satisfied as to a candidate's general fitness and competency, including physical fitness, to act as an Authority pilot may, on behalf of the Authority, issue to him a licence to act as such, and such licence may contain such conditions as the Pilotage Committee may deem fit. 30

(2) Subject to the provisions of this Part of this Ordinance, every pilot holding, immediately prior to the coming into operation of the said Part, a licence issued under the Merchant Shipping Ordinance (Cap. 207) to act as a pilot in a pilotage district, shall be deemed to be qualified for employment by the Authority as a pilot, and the Pilotage Committee shall, on behalf of the Authority, issue to every such pilot as may be employed by the Authority a licence to act as an Authority pilot in the pilotage district, subject to such conditions as the Pilotage Committee may impose.

(3) Every Authority pilot shall whenever the Pilotage Committee considers that, owing to changed conditions or for any other sufficient reason, the further testing of the knowledge, efficiency or physical fitness of any such pilot is necessary, present himself for further examination, and shall in every such case first deposit with the Pilotage Committee his licence issued by the said Committee on behalf of the Authority to be returned or cancelled by the said Committee on behalf of the Authority as the result of such test or examination determines.

(4) The Authority shall not continue to employ as a pilot any pilot whose licence to act as such is cancelled as the result of any test or examination carried out or held under the provisions of subsection (3) of this section.

(5) Any licence issued under the provisions of this section shall cease to be valid upon the termination of any Authority pilot's employment with the Authority.

Inquiries by Pilotage Committee

79.—(1) The Pilotage Committee may, and when directed by the Authority shall, hold an inquiry into the conduct of an Authority pilot where it appears that he has been guilty of misconduct affecting his capability as a pilot or has failed in or neglected his duty as a pilot or has become incompetent to act as a pilot.

(2) For the purposes of such inquiry, the Pilotage Committee may summon any person in Singapore to attend any meeting of the said Committee to give evidence on oath or produce any document or other thing in his possession and to examine him as a witness or require him

to produce any document or other thing in his possession relative to the matters which are the subject matter of such inquiry.

(3) Any person who —

(a) being summoned to attend any such inquiry, fails to do so;

(b) offers any act of disrespect or any insult or threat to the Pilotage Committee or any member thereof during an inquiry; or

(c) being required by the Pilotage Committee to give evidence on oath or affirmation or to produce a document or other thing, refuses to do so,

shall be guilty of an offence under this Ordinance and shall be liable on conviction to a fine not exceeding five hundred dollars.

Submission of Pilotage Committee's findings and recommendations to the Authority

80.—(1) Where the Pilotage Committee, after due inquiry in accordance with the provisions of this Part of this Ordinance and after hearing any statement that may be offered in defence, finds that an Authority pilot has been guilty of misconduct affecting his capability as a pilot or has failed in or neglected his duty as a pilot or has become incompetent to act as a pilot, it shall submit to the Authority a copy of the record of the inquiry and its findings and recommendations in respect of the inquiry.

(2) The Authority may, after considering the findings and recommendations of the Pilotage Committee, suspend or cancel the licence of such Authority pilot or impose such other punishment as the Authority may think fit.

(3) Any Authority pilot who is aggrieved by any decision of the Authority made under the provisions of subsection (2) of this section may, within fourteen days from the date of such decision, appeal to the Minister whose decision shall be final.

Liability of the master or owner in the case of a vessel under pilotage

5 **81.** The master or owner of a vessel navigating in circumstances in which pilotage is compulsory shall be answerable for any loss or damage caused by the vessel or by any fault of the navigation of the vessel in the same manner as he would if pilotage were not compulsory.

Limitation of pilot's liability when bond is given

10 **82.—**(1) An Authority pilot who has given a bond in accordance with subsection (2) of this section shall not be liable for neglect, want of skill or incapacity in office beyond the penalty of such bond and the amount payable to the Authority on account of pilotage in respect of the voyage in which he was engaged when he became so liable.

15 (2) Every Authority pilot shall give a bond in the sum of one thousand dollars in favour of the Authority for the proper performance of his duties under this Part of this Ordinance and of any regulations made thereunder.

(3) Any bond by an Authority pilot in accordance with this section shall not be liable to stamp duty.

20 (4) Where any proceedings are taken against an Authority pilot for any neglect, want of skill or incapacity in office in respect of which his liability is limited as provided by this section, and other claims are made in respect of the same neglect, want of skill or incapacity in office, the court in which such proceedings are taken may —

25 (a) determine the amount of such pilot's liability and, upon payment by him of such amount into court, distribute such amount rateably among the several claimants;

(b) stay any proceedings pending in any other court in relation to the same matter; and

30 (c) proceed in such manner and subject to such directions as to making persons interested parties to the proceedings, and as to the exclusion of any claimants who have not submitted their claims within a certain time, and as to requiring

security from such pilot, and as to payment of any costs as the court thinks fit.

Pilotage Committee and Authority not liable for loss or damage occasioned by pilots

83.—(1) The issue of a licence to a pilot by the Pilotage Committee on behalf of the Authority under section 78 of this Ordinance shall not impose any liability on the Pilotage Committee for any loss or damage occasioned by any act, omission or default of such pilot. 5

(2) Any Authority pilot whilst engaged in any pilotage act shall, notwithstanding that he may be employed at a salary by the Authority, be deemed to be the servant only of the master or owner of the vessel under pilotage and the Authority shall not be liable for any loss or damage occasioned by any act, omission or default of such pilot. 10

Summary proceedings

84. A Magistrate's Court or a District Court may, if it thinks fit, call upon two members of the Pilotage Committee to sit with it as assessors in any proceedings affecting Authority pilots under this Ordinance or any regulations made thereunder. 15

Regulations regulating pilotage and conduct of pilots

85.—(1) The Authority may make regulations for regulating pilotage in any pilotage district and, notwithstanding the provisions of subsection (5) of section 34 of this Ordinance, for the maintenance of good conduct and discipline of Authority pilots and for matters relating to their duties. 20

(2) The Authority may, in making any regulations under this section, provide that any contravention of or failure to comply with any regulation shall be an offence and may prescribe as a penalty in respect of any one offence a fine not exceeding two thousand dollars. 25

PART X

LIABILITY OF THE AUTHORITY

Limitation of Authority's liability for loss or damage to or on board any vessel

5 **86.** The Authority shall not, where without its actual fault or privity, any loss or damage, not being a loss or damage provided for by this Part of this Ordinance, is caused to any vessel or vessels or to any train, vehicle, goods or other things whatsoever on board any vessel or vessels, be liable to damages beyond an aggregate amount not exceeding in the currency of Singapore the equivalent of eight pounds sterling for each ton of the tonnage of the largest British registered vessel which during the period of five years next before the happening of such loss or damage has been habitually within the area over which the Authority performs any duty or exercises any power. A vessel shall not be deemed to have been habitually within such area unless it has been within such area not less than three times annually during such period of five years, and a vessel shall not be deemed to have been within such area by reason only that it has been built or fitted out within such area, or that it has taken shelter within or passed through such area on a voyage between two places both situate outside that area or that it has loaded or discharged mail or passengers within that area.

How tonnage ascertained

25 **87.** For the purposes of this Part of this Ordinance, the tonnage of vessels shall be ascertained as provided by subsection (2) of section 340 of the Merchant Shipping Ordinance (Cap. 207), and the register of any vessel shall be sufficient evidence that the gross tonnage and the deductions therefrom and the registered tonnage are as therein stated.

Loss or destruction of, or damage to, goods other than transshipment goods deposited with the Authority

30 **88.—**(1) The Authority and any person duly authorised by it shall, in respect of any goods other than transshipment goods deposited with or placed in the custody or control of the Authority for the purpose of

shipment or delivery, be deemed to be the agent of the owner of the vessel loading or discharging such goods irrespective of whosoever pays or is liable to pay any rates in respect of such goods.

(2) Neither the Authority nor any person duly authorised by it shall, in acting as an agent under the provisions of subsection (1) of this section, be liable —

(a) either in damages or in any other respect for any loss caused to any person by reason of short delivery of any goods deposited with or placed in the custody or control of the Authority or any failure by the Authority to deliver or account for the same; or

(b) for damage to, or destruction of, such goods in a sum of more than two thousand dollars per package or unit unless the nature and value of the goods contained therein have, prior to delivery to the Authority, been declared in writing to the Authority by the person delivering or causing the same to be delivered, and the Authority shall not in any event be liable therefor where the value of any such goods has been mis-stated or where there prevails any of the circumstances set out in section 91 of this Ordinance.

(3) For the purposes of this section and of section 90 of this Ordinance, the expression

“transshipment goods” means goods landed from a vessel and placed in the custody of the Authority for the purposes of shipment on another vessel on a through Bill of Lading dated at the port of loading of such goods and showing that the destination is *via* Singapore, with the ultimate port of destination marked on each package or unit containing such goods and declared on a transshipment manifest lodged with the Authority prior to or at the time such goods are placed in its custody.

Liability for loss under contract

89. Notwithstanding the provisions of section 88 of this Ordinance, the Authority shall, on application made to it by the owner of any vessel, enter into a contract with such owner whereby the Authority

shall accept liability for any loss caused by reason of short delivery by the Authority of any goods deposited with or placed in the custody or control of the Authority or any failure by the Authority to deliver or account for the same, and for the purposes of this section, the Authority may prescribe the terms and conditions of such contract and may, with the approval of the Minister, from time to time prescribe the rates to be levied:

Provided that the Authority may in its discretion refuse to enter into such contract unless such contract is in respect of all of the goods to be loaded into or discharged from a vessel, as the case may be.

Loss or destruction of, or damage to, transhipment goods deposited with the Authority

90. In respect of any transhipment goods delivered by any person to, or placed by any person in the custody of, the Authority, the Authority shall, from the time of acknowledgment of the receipt of such goods and until delivery of such goods alongside the on-carrying vessel for loading, be liable, subject to the provisions of section 91 of this Ordinance, for the loss or destruction of, or damage to, such goods:

Provided that the Authority shall not be liable for any such loss, destruction or damage in a sum of more than two thousand dollars per package or unit unless the nature and value of the goods contained therein have, prior to delivery to the Authority, been declared in writing to the Authority by the person delivering or causing the same to be delivered, and the Authority shall not in any event be liable therefor where the value of any such goods has been mis-stated.

Force majeure, etc.

91. The provisions of paragraph (b) of subsection (2) of section 88 and of section 90 of this Ordinance shall not impose on the Authority or any person duly authorised by it any liability for the loss or destruction of, or damage to, any goods arising from —

- (a) fire or flood, unless caused by the actual fault or privity of the Authority;
- (b) an act of God;
- (c) an act of war or of public enemies;

- (d) seizure under any legal process;
- (e) quarantine restrictions;
- (f) any act, omission or default of the owner or carrier of such goods;
- (g) strikes, lockouts or stoppages or restraints of labour from whatever cause, whether partial or general; 5
- (h) riots and civil commotions;
- (i) saving or attempting to save life or property;
- (j) insufficient or improper packing, defective or insufficient marks or leakage from defective drums, containers or packages; 10
- (k) any inherent liability to wastage in bulk or weight, latent or inherent defect or natural deterioration;
- (l) any deficiency in the contents of unbroken packages; or
- (m) the dangerous nature of such goods. 15

Limitation of liability in respect of one occasion

92. The limitation of liability under this Part of this Ordinance shall relate to the whole of any losses and damages which may arise upon any one distinct occasion, although such losses or damages may be sustained by more than one person, and shall apply whether the liability arises at common law or under any written law and notwithstanding anything contained in such written law. 20

Power of Court to consolidate claims

93. Where any liability is alleged to have been incurred by the Authority in respect of loss of life, personal injury or loss of, or damage to, vessels, trains, vehicles, goods or other things whatsoever, and several claims are made or apprehended in respect of that liability, then the Authority may apply to the High Court, and that Court may determine the amount of the Authority's liability and may distribute that amount rateably among the several claimants, and may stay any proceeding pending in any other court in relation to the same matter, and may proceed in such manner and subject to such regulations as to 25 30

making persons interested parties to the proceedings, and as to the exclusion of any claimants who do not come in within a certain time, and as to requiring security from the Authority, and as to payment of any costs as the court thinks just.

5 **Authority not liable for loss or damage for dredging within prescribed limits**

94.—(1) The Authority may, with the approval of the Minister, by publication in the *Gazette*, prescribe the limits within which and the levels to which dredging may be carried out by the Authority within
10 the port and the approaches to the port.

(2) The Authority shall not be liable for any loss or damage whatsoever to any sea or river wall, wharf, dock or other property arising out of any dredging by the Authority within the limits and levels so prescribed.

15 **Authority not liable for loss or damage due to unpunctuality, etc. of ferry boats**

95. The Authority shall be exempt from all liability in respect of any loss or damage, whether arising from the variation in the time of departure or arrival of any of its ferry boats or by reason of its failure
20 to run any ferry boat as advertised, or at all.

Saving

96.—(1) Nothing in this Part of this Ordinance shall preclude the Authority from accepting goods for storage as well as liability for any loss, destruction or damage thereto.

25 (2) Nothing in this Part of this Ordinance shall affect any liability that may be imposed on the Authority by any written law relating to compensation to workmen.

PART XI
OFFENCES

Penalty for obstructing the Authority in the performance of its duty

97. Any person who at any time hinders, obstructs or molests the Authority or any of its employees, agents or contractors in the performance and execution of their duty or of anything which they are respectively empowered or required to do by virtue or in consequence of this Ordinance, or removes any mark set up for the purpose of indicating any level or direction necessary to the execution of works authorised by this Ordinance, shall be guilty of an offence under this Ordinance and shall be liable on conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment. 5
10

Offences in connection with safety of vessels, etc. 15

98. Any person who —

- (a) wilfully and without lawful excuse loosens or removes from its moorings or from its fastenings alongside any wharf or dock, any vessel within the port without leave or authority from the master or owner of such vessel or person in charge of such wharf or dock; 20
- (b) wilfully and without lawful excuse lifts, injures, makes a vessel fast to, loosens or sets adrift any moorings, buoys, beacons or sea or land marks;
- (c) without any lawful excuse discharges any gun in the port except for the purpose of making a signal of distress or for such other purpose as is allowed under any written law; 25
- (d) graves, breams or smokes any vessel in the port, or boils or heats any pitch, tar, resin, dammar, turpentine oil or other such combustible matter on board any vessel within the port, at any time or within any limits at or within which such act is prohibited by any order of the Minister, or contrary to the orders or directions of the Port Master or the master of such vessel; or 30

- (e) uses a naked light when drawing off spirits, turpentine oil or other inflammable oils or liquids of any kind on board any vessel in the port,

5 shall be guilty of an offence under this Ordinance and shall be liable on conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

Penalties as to employment of pilot other than an Authority pilot

10 **99.**—(1) Subject to the provisions of subsection (2) of this section, any person who, not being an Authority pilot, engages in any pilotage act or attempts to obtain employment as a pilot of a vessel entering or being within any pilotage district shall be guilty of an offence under this Ordinance and shall be liable on conviction to a fine not
15 exceeding one thousand dollars.

(2) The owner of any private wharf may, with the approval of the Authority and subject to such conditions as the Authority may impose, authorise any person to act as a berthing master for the purposes of berthing and unberthing vessels at such private wharf.

20 (3) Any master or owner of a vessel entering or being within any pilotage district who knowingly employs as pilot any person who is not an Authority pilot or who is not authorised in accordance with the provisions of subsection (2) of this section, shall be guilty of an offence under this Ordinance and shall be liable on conviction to a fine
25 not exceeding one thousand dollars.

(4) For the purposes of this section, an Authority pilot, acting beyond the limits for which he is licensed or in contravention of any conditions imposed under the provisions of section 78 of this Ordinance, shall be deemed not to be an Authority pilot.

30 (5) Any person may, without subjecting himself or his employer to any penalty, act as the pilot of a vessel entering or leaving any pilotage district, when such vessel is in distress or under circumstances making it necessary for the master to avail himself of the best assistance which can be found at the time.

Offences of Authority pilots

100.—(1) Any Authority pilot, either within or without the pilotage districts for which he is licensed, who —

- (a) is in any way directly or indirectly concerned in any corrupt practices relating to vessels, their tackle, furniture, cargoes, crews or passengers, or to persons in distress at sea or by shipwreck, or to their moneys, goods or chattels; 5
- (b) lends his licence;
- (c) acts as pilot whilst suspended;
- (d) acts as pilot when in a state of intoxication; 10
- (e) refuses or wilfully delays, when not prevented by illness or other reasonable cause, to pilot any vessel within the limits for which he is licensed by the Authority upon being required to do so by any employee of the Authority duly authorised in that behalf; or 15
- (f) quits the vessel under his pilotage without the consent of the master, before the service for which he was engaged has been performed,

shall be guilty of an offence under this Ordinance and shall be liable on conviction to a fine not exceeding two thousand dollars. 20

(2) Any person who procures, aids, abets or connives at the commission of any offence under this section shall be guilty of an offence under this Ordinance and shall be liable on conviction to a fine not exceeding two thousand dollars.

(3) Any Authority pilot who commits an offence under this section, or procures, aids, abets or connives at the commission of any such offence, shall be liable on conviction to suspension or dismissal by the Authority. 25

Penalty on pilot endangering vessel, life or limb

101. Any Authority pilot who, when engaged in the pilotage of a vessel, by wilful breach of duty or by neglect of duty or by reason of drunkenness, either — 30

(a) does any act tending to the immediate loss, destruction or serious damage of the vessel, or tending immediately to endanger the life or limb of any person on board the vessel; or

5 (b) refuses or omits to do any lawful act proper and requisite to be done by him for preserving the vessel from loss, destruction or serious damage, or for preserving any person belonging to or on board the vessel from danger to life or limb,

10 shall be guilty of an offence under this Ordinance and shall be liable on conviction to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding two years, and shall also be liable on conviction to suspension or dismissal by the Authority.

Failure to employ Authority pilot under certain circumstances

15 **102.** The master or owner of a vessel navigating in circumstances in which the vessel is required by the Authority, under section 72 of this Ordinance, to be under pilotage who does not employ an Authority pilot for such purpose shall be guilty of an offence under this Ordinance and shall be liable on conviction to a fine not exceeding
20 one thousand dollars.

Evasion of dues and rates

103.—(1) Any master or owner of any vessel or any owner of any goods who, by any means whatsoever, evades or attempts to evade any of the dues or rates leviable under this Ordinance shall be guilty of
25 an offence under this Ordinance and shall be liable on conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding four months or to both such fine and imprisonment, and shall in addition be liable to pay to the Authority as penalty double the amount of the dues or rates he evaded or attempted to evade.

30 (2) The tender to or acceptance by the Authority or any of its officers of any dues or rates, the payment of which has been previously evaded or left unpaid, shall not release or discharge any person from any liability for any damages or penalty consequent upon such evasion or non-payment.

False returns

104. Any person who makes, either knowingly or recklessly, any statement which is false in any material particular in any return, claim or other document which is requested or authorised to be made by or under the provisions of this Ordinance, shall be guilty of an offence under this Ordinance and shall be liable on conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

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Penalty for giving false information as to draught of vessel, etc

105. Any master of a vessel entering or leaving or intending to enter or leave any dock, or come alongside or depart from any wharf, who gives false information of the draught, length or beam of such vessel to any employee of the Authority whose duty it is to ascertain the same, shall be guilty of an offence under this Ordinance and shall be liable on conviction to a fine not exceeding one thousand dollars.

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PART XII

MISCELLANEOUS PROVISIONS

Auxiliary Police Force

106. The Authority may, subject to the provisions of the Police Force Ordinance, 1958 (Ord. 32 of 1958), and the regulations made thereunder, create and employ an Auxiliary Police Force within the limits of the port.

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Minister may appoint places to be used for the collection of revenue duties

107.—(1) The Minister may, notwithstanding anything in this Ordinance, appoint any part of the wharves or premises vested in the Authority as a place for the collection of import or other revenue duties payable to the Government.

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(2) Whenever any wharf or part of the premises of the Authority has been so appointed as a place for the collection of import or other revenue duties, the Authority shall set apart and maintain such place,

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in such manner as the Minister requires, for the use of the persons entitled to collect such duties.

Bonded warehouses

5 **108.**—(1) If any warehouse of the Authority is approved and appointed as a bonded warehouse under any written law for the time being in force, the Authority may give general security by bond or otherwise for payment of the import duty payable in respect of goods stored in such bonded warehouse or for the due exportation of such goods.

10 (2) When such security has been given by the Authority, no further security shall be required by the Government from any other person to the same effect.

15 (3) Any person being or having the powers of a revenue officer under any written law for the time being in force shall at all times be admitted to all parts of premises approved and appointed as a bonded warehouse, and shall be permitted to inspect the books kept in connection therewith and the stock therein.

Authority to provide free landing places

20 **109.** The Authority shall provide such number of public landing places as it may, from time to time, consider necessary or expedient for the use, free of charge, by the public.

Restriction on the erection, etc. of wharves or docks

25 **110.** Notwithstanding the provisions of the Foreshores Ordinance, no plans and specifications for the erection, within the port or the approaches to the port, of a new wharf or dock or for the re-erection, extension or alteration of the same shall be approved under the said Ordinance (Cap. 246) without previous reference to, and the concurrence of, the Authority:

30 Provided that where the Director of Public Works is not satisfied with the grounds of any objection raised by the Authority, he may refer the matter to the Minister whose decision shall be final.

Exemption of certain vehicles and animals from taxes and licence fees

111. The Authority shall not be liable to pay taxes for vehicles used, or animals kept by it, solely within the lands vested in the Authority, nor fees for any licences required to be issued under any written law in connection therewith. 5

Contracts

112. The Authority may, in accordance with rules made under this Ordinance, enter into such contracts as are necessary for the discharge of its functions and in the case of contracts for the supply of goods or materials or for the execution of works such rules shall — 10

- (a) as far as is practicable and except as otherwise therein provided, require that notice of the intention to enter into such contracts shall be published and tenders invited; and
- (b) regulate the manner in which such notice shall be published and tenders invited: 15

Provided that a person entering into a contract with the Authority shall not be bound to enquire whether such rules have been complied with and all such contracts, if otherwise valid, shall have full force and effect notwithstanding that the rules applicable thereto have not been complied with. 20

Power to compromise

113. The Authority may compound or compromise, for or in respect of any claim or demand made against it, for such sum of money or other compensation as it deems sufficient. 25

Receipts and notices may be given by officer authorised thereunto

114.—(1) All notices, orders, receipts and other documents of whatsoever nature which the Authority is empowered to give by this Ordinance or by any other written law may be given by any employee authorised thereunto by the Authority. 30

(2) Where any such notice, order or document requires authentication, the signature or a facsimile thereof of the General Manager or the Secretary or any employee authorised thereunto by the Authority affixed thereto shall be sufficient authentication.

5 **Service of notices**

115.—(1) Every notice, order or document required or authorised by this Ordinance or any regulations made thereunder to be served on any person may be served —

- 10 (a) by delivering the same to such person or by delivering the same at the last known place of abode of such person to some adult member or servant of his family;
- (b) by leaving the same at the usual or last known place of abode or business of such person in a cover addressed to such person; or
- 15 (c) by forwarding the same by post in a prepaid letter addressed to such person at his usual or last known place of abode or business.

(2) Notwithstanding the provisions of subsection (1) of this section, any notice required to be given to any person who causes any obstruction or impediment to navigation and whose identity is unknown, shall be deemed to be properly served if affixed on, at or near the place where such obstruction or impediment is.

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Power to enter upon lands

116. The Authority may, for the purposes of this Ordinance, by its employees, agents or contractors, enter at all reasonable hours in the daytime into and upon any building or land for the purpose of making any survey or inspection and for the purpose of executing any work authorised by this Ordinance to be executed by them without being liable to any legal proceedings or molestation whatsoever on account of such entry or of anything done in any part of such building or land in pursuance of this Ordinance:

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Provided that, except as herein otherwise provided, the Authority shall not enter into any dwelling-house in actual occupation, unless

with the consent of the occupier thereof, without six hours' previous notice to such occupier.

Power to enter upon lands adjacent to works

117.—(1) The Authority may, by its employees, agents or contractors, enter upon any land adjoining to or being within the distance of one hundred yards of any works by this Ordinance authorised to be made, for the purpose of depositing upon such land any soil, gravel, sand, lime, brick, stone or other materials or for any other purposes connected with the formation of the said works without making any previous payment, tender or deposit and doing as little damage as possible in the exercise of the several powers hereby granted and making compensation for such temporary occupation or temporary damage of or to the said land to the owner and occupier thereof from time to time and as often as any such temporary occupation is taken or any such temporary damage is done and making compensation to the owner also for any permanent injury to such land. 5 10 15

(2) If any dispute arises touching the amount or apportionment of such compensation, the same shall be settled in the manner provided by section 120 of this Ordinance. 20

(3) Before the Authority makes any such temporary use as aforesaid of the land adjoining or lying near to the said works, it shall give seven days' notice in writing of its intention to the owners and occupiers of such land and shall set apart by sufficient fences so much of the land as is required to be used as aforesaid from the other land adjoining thereto. 25

Employee of the Authority may require evidence of identity in certain cases

118.—(1) Any police officer or employee of the Authority who reasonably believes that any person has committed an offence under this Ordinance or any regulations made thereunder may require such person to furnish evidence of his identity and such person shall thereupon furnish such evidence of his identity as may be required by such police officer or employee of the Authority. 30

(2) Any person who refuses to furnish any information required of him by any police officer or any employee of the Authority under the provisions of this section or wilfully misstates such information shall be guilty of an offence under this Ordinance and shall be liable on conviction to a fine not exceeding fifty dollars.

Powers of arrest

119.—(1) Any police officer or any employee of the Authority authorised in writing by the General Manager generally or in any particular case, may arrest any person committing within his view or who he has reason to believe has committed any offence punishable under this Ordinance or any regulations made thereunder —

- (a) if the name and address of the person are unknown to him;
- (b) if the person declines to give his name and address; or
- (c) if there is reason to doubt the accuracy of the name and address given.

(2) A person arrested under this section may be detained until his name and address are correctly ascertained:

Provided that no person so arrested shall be detained longer than is necessary for bringing him before a court unless the order of a court for his continued detention is obtained.

Compensation, damages and costs to be determined by Magistrate's Court or District Court

120.—(1) Except as otherwise provided in this Ordinance, in all cases where compensation, damages, costs or expenses are by this Ordinance directed to be paid, the amount and, if necessary, the apportionment of the same and any question of liability shall, in case of dispute be summarily ascertained and determined by a Magistrate's Court or, if the compensation claimed exceeds one thousand dollars, by a District Court.

(2) If the amount of compensation, damages, costs or expenses is not paid by the party liable to pay the same within seven days after demand, such amount may be reported to a Magistrate's Court and

recovered in the same way as if it were a fine imposed by a Magistrate's Court.

(3) An appeal shall lie to the High Court from any decision of a Magistrate's Court or District Court under this section, and the provisions of the Criminal Procedure Code (Cap. 132) shall *mutatis mutandis* apply to all such appeals.

Disposal of matters and things removed by the Authority

121.—(1) Any matter or thing removed by the Authority in executing any work which it is entitled to execute under this Ordinance or any regulations made thereunder shall, except as otherwise provided, be the property of the Authority and may be sold by public auction or, if the Authority thinks the circumstances of the case require, may be sold otherwise or be disposed of without sale.

(2) The moneys arising from the sale may be retained by the Authority and applied in or towards the expenses incurred and the surplus, if any, shall be paid on demand to the owner of such matter or thing.

(3) If such surplus is not claimed within one year, it shall be paid into the funds of the Authority.

(4) If any matters or things belonging to several persons are removed by the Authority in executing any such work, it shall cause such matters or things, if sold, to be sold separately.

Court for trial of offences under this Ordinance

122.—(1) Any offence under this Ordinance or any regulations made thereunder may be tried by a District Court and, unless the context otherwise requires, by a Magistrate's Court.

(2) All fines imposed for any offence under this Ordinance or any regulations made thereunder shall be paid into the funds of the Authority.

Public Prosecutor or Authority to sanction prosecution

123.—(1) No proceedings for an offence punishable under this Ordinance or any regulations made thereunder shall be instituted,

except by or with the sanction of the Public Prosecutor or the Authority.

(2) Any employee of the Authority or any police officer may conduct such prosecution on behalf of the Authority.

5 **Statement to be made in complaint or summons of offence**

124.—(1) It shall be sufficient, in any complaint or summons to be made before or issued by any District Court or Magistrate’s Court against any firm or company, or against any person carrying on any trade or business in co-partnership, or in any conviction to be
10 afterwards made for any fine imposed or damages incurred by this Ordinance or any regulations made thereunder, to state the offence committed by the firm and to direct the summons to the firm or company or any member thereof.

(2) Service of the summons at the usual place of business of such
15 firm shall be taken to be a sufficient service thereof.

(3) Such conviction may be recovered by the warrant of any District Court or Magistrate’s Court, as the case may be, to be made out and issued in the name of and against such firm or company, and to be levied and recovered by distress and sale of the goods of such firm or
20 company or of any individual partner thereof.

Prosecution of offences

125.—(1) Subject to any special provisions of this Ordinance, neither a conviction for an offence nor an order for payment of money shall be made under this Ordinance in any proceeding instituted in a
25 District Court or a Magistrate’s Court in Singapore, unless that proceeding is commenced within six months after the commission of the offence or after the cause of complaint arises, as the case may be; or, if both or either of the parties to the proceeding happen during that time to be out of Singapore, unless the same is commenced, in the case
30 of a conviction within two months, and in the case of an order within six months, after they both first happen to arrive or to be at one time in Singapore.

(2) No written law for the time being in force which limits the time within which proceedings may be instituted in a District Court or a Magistrate's Court, shall affect any proceedings under this Ordinance.

General penalties

126. Any person guilty of an offence under this Ordinance or any regulations made thereunder for which no penalty is expressly provided shall be liable on conviction to a fine not exceeding five hundred dollars and, in the case of a continuing offence, to a fine not exceeding fifty dollars for every day or part of a day during which the offence is continued after the date of the conviction thereof.

Saving of prosecutions under other written law

127. Nothing in this Ordinance shall prevent any person from being prosecuted under any other written law for any act, omission, neglect or default which constitutes an offence under this Ordinance or any regulations made thereunder, or from being liable under that other written law to any punishment or penalty, higher or other than that provided by this Ordinance or any regulations made thereunder:

Provided that no person shall be punished twice for the same offence.

Transitional provisions

128.—(1) Any fund, scheme, contract, document, licence, permission or resolution constituted, prepared, made, granted or approved under the Ports Ordinance (Cap. 208) and the Port Dues Ordinance, 1960 (Ord. 22 of 1960), as well as under the provisions of the Merchant Shipping Ordinance (Cap. 207) relating to such functions as are transferred to the Authority under this Ordinance, shall, except where otherwise expressly provided in this Ordinance or in any other written law, continue and be deemed to have been constituted, prepared, made, granted or approved, as the case may be, under this Ordinance.

(2) Notwithstanding any other provisions of this Ordinance and the repeal by this Ordinance of any written law, any subsidiary legislation made under such repealed written law shall remain in force until it has been revoked or replaced by subsidiary legislation issued or made under this Ordinance:

Provided that the Minister may, by order published in the *Gazette*, vary, amend, extend or revoke such subsidiary legislation so remaining in force or any part thereof as he thinks fit.

5 (3) All sums of money due or becoming due to the Singapore Harbour Board in respect of property held on behalf of the Government shall, upon the coming into operation of this Ordinance, be deemed to be or become due to the Authority.

10 (4) All deeds, bonds, agreements, instruments and working arrangements, subsisting immediately before the coming into operation of this Ordinance, affecting any of the assets and liabilities vested in the Authority under this Ordinance, shall have as full force and effect against or in favour of the Authority, and be enforceable as fully and effectually as if, instead of the Singapore Harbour Board or the Government or any person acting on behalf
15 thereof, the Authority had been named therein or had been a party thereto.

(5) Any proceeding or cause of action pending or existing immediately prior to the coming into operation of this Ordinance by or against the Government or the Singapore Harbour Board in
20 respect of any functions or assets which under and by virtue of this Ordinance are transferred to and vested in the Authority, may be continued and enforced by or against the Authority as it might have been by or against the Government or the Singapore Harbour Board, as the case may be, had this Ordinance not come into operation.

25 (6) In any written law and in any document whatsoever, unless the context otherwise requires, any reference to —

- (a) the Singapore Harbour Board shall be construed as a reference to the Authority;
- (b) the Pilot Board shall be construed as a reference to the
30 Pilotage Committee; and
- (c) the Port Officer shall be construed as a reference to the Authority in every case where any function of the Port Officer is, by order of the Minister published in the *Gazette*, transferred to the Authority.

Regulations

129. All regulations made under this Ordinance shall be published in the *Gazette* and shall be presented to the Legislative Assembly as soon as may be after publication and if a resolution is passed pursuant to a motion notice whereof has been given for a sitting day not later than the first available sitting day of the Assembly next after the expiry of one month from the date when such regulations are so presented annulling the regulations or any part thereof as from a specified date, such regulations or such part thereof as the case may be shall thereupon become void as from such date but without prejudice to the validity of anything previously done thereunder or to the making of new regulations. 5 10

Saving of the Merchant Shipping Ordinance

130. Save as otherwise provided, nothing in this Ordinance shall extend to repeal or alter any of the provisions of the Merchant Shipping Ordinance (Cap. 207), or to exempt the Authority or the wharves, docks or other works belonging to it from the provisions of the said Ordinance. 15

Repeal

131.—(1) The Ports Ordinance (Cap. 208) and the Port Dues Ordinance, 1960 (Ord. 22 of 1960), are hereby repealed. 20

(2) Part X and sections 262 and 419 of the Merchant Shipping Ordinance (Cap. 207) are hereby repealed.

FIRST SCHEDULE

Section 6 25

CONSTITUTION AND PROCEEDINGS OF THE AUTHORITY

Constitution of the Authority

1. The Authority shall consist of the following members, all of whom shall be appointed by the Minister —

- (a) a Chairman; 30
- (b) three persons representing the Government of the State of Singapore;
- (c) one person representing the Government of the Federation; and

FIRST SCHEDULE — *continued*

- (d) ten other persons who, by reason of their knowledge of or experience or interest in shipping matters are, in the opinion of the Minister, fit and proper persons to be members of the Authority.

5 **Tenure of office of the Chairman and other members**

2. The Chairman and the other members of the Authority shall each hold office for a period of three years from the dates of their respective appointments and shall be eligible for re-appointment on completion of such period.

Deputy Chairman

10 3.—(1) The Minister may appoint any member of the Authority to be the Deputy Chairman of the Authority.

(2) A Deputy Chairman so appointed shall be deemed for all the purposes of this Ordinance to be the Chairman of the Authority.

Temporary members

15 4. The Minister may, subject to the provisions of paragraph 1 of this Schedule, appoint any suitable person to be a temporary member of the Authority during the absence or incapacity owing to illness or otherwise of any member of the Authority appointed by him.

Resignation

20 5. A member of the Authority may resign his seat at any time by giving one month's notice in writing to the Minister.

Revocation of appointment

6. The Minister may revoke any appointment made under paragraph 1 of this Schedule without assigning any reason therefor.

25 **Vacation of office**

7. The seat of a member of the Authority shall become vacant —

- (a) on his death;
- (b) if he, without sufficient cause (the sufficiency whereof to be decided by the Authority), fails to attend three consecutive meetings of the Authority;
- 30 (c) if he becomes in any manner disqualified for membership of the Authority;
- (d) if he resigns his seat; or

FIRST SCHEDULE — *continued*

(e) if his appointment is revoked.

Filling of vacancies

8. If a vacancy occurs in the membership of the Authority, the Minister may, subject to the provisions of paragraph 1 of this Schedule, appoint any person to fill the vacancy and the person so appointed shall hold office for so long as the member in whose place he is appointed would have held office.

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Leave of absence

9. The Minister may grant to the Chairman or any other member of the Authority such leave of absence as the Minister may deem fit.

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Disqualification from membership

10. No person shall be eligible to be appointed or to remain a member of the Authority who —

- (a) is subject to a receiving order made against him or has made any arrangement or composition with his creditors or is prohibited from being a director of a company under the Companies Ordinance (Cap. 174);
- (b) is an undischarged bankrupt;
- (c) has been sentenced to imprisonment for a term exceeding six months and has not suffered such punishment or received a free pardon; or
- (d) is a person found or declared under any written law to be of unsound mind.

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Disclosure of interest by members

11. If a member of the Authority has a pecuniary interest, direct or indirect, in any contract, proposed contract or other matter which is before any meeting of the Authority, he shall at that meeting declare the nature of his interest and shall not take part in the consideration or discussion of, or vote on any question with respect to that contract or other matter, and if the Chairman or the person presiding at that meeting so directs, he shall withdraw from the meeting during such consideration or discussion:

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Provided that for the purpose of determining whether there is a quorum, a member shall be treated as being present at a meeting notwithstanding that, under the foregoing provisions of this subsection, he cannot vote or has withdrawn from the meeting.

FIRST SCHEDULE — *continued***Sealing of documents**

12.—(1) All deeds, documents and other instruments requiring the seal of the Authority shall, subject to the approval of the Authority, be sealed with the common seal of the Authority in the presence of the General Manager and of some other person duly authorised by the Authority to act in that behalf and shall be signed by the General Manager and by such duly authorised person, and such signing shall be sufficient evidence that the common seal of the Authority has been duly and properly affixed and that the said seal is the lawful common seal of the Authority.

(2) The Authority may by resolution or otherwise appoint an officer of the Authority or any other agent, either generally or in a particular case, to execute or sign on behalf of the Authority any agreement or other instrument not under seal in relation to any matter coming within the powers of the Authority.

(3) The provisions of section 12 of the Registration of Deeds Ordinance (Cap. 255) shall not apply to any instrument purporting to have been executed under the provisions of sub-paragraph (1) of this paragraph.

Meetings of the Authority

13.—(1) The Authority shall ordinarily meet for the despatch of business at such times and places as the Chairman may, from time to time, appoint, but not less than once in every month.

(2) Where not less than six members of the Authority request the Chairman by notice in writing signed by them to convene an extraordinary meeting of the Authority for any purpose specified in such notice, the Chairman shall, within seven days from the receipt of such notice, convene an extraordinary meeting for such purpose.

(3) Six members of the Authority shall form a quorum at any meeting of the Authority.

(4) The Chairman or, in his absence, the Deputy Chairman shall preside at meetings of the Authority:

Provided that if both the Chairman and the Deputy Chairman are absent from any meeting or part thereof, such member as the members of the Authority present shall choose, shall preside at such meeting or part thereof.

Appointment of committees, etc.

14.—(1) The Authority may appoint from among its own number such and so many committees, either standing or special, and consisting of such number of members of the Authority as it thinks fit for any purposes which in the opinion of

FIRST SCHEDULE — *continued*

the Authority would be better regulated and managed by means of such committees, and may, subject to such conditions or restrictions as it thinks fit, delegate to such committee or committees all or any of the functions by this Ordinance vested in the Authority except the powers to make rules and regulations, prescribe or levy dues and rates and borrow money, and any powers so delegated shall be exercisable by such committee or committees in the name and on behalf of the Authority. 5

(2) The Authority may, subject to such conditions or restrictions as it thinks fit, delegate to any employee thereof all or any of the functions by this Ordinance vested in the Authority except the powers to make rules and regulations, prescribe or levy dues and rates and borrow money, and any powers so delegated shall be exercisable by such employee in the name and on behalf of the Authority. 10

(3) The Authority may continue to perform any functions conferred on it by this Ordinance notwithstanding the delegation of such functions under the provisions of this section. 15

Decision of majority at meeting

15.—(1) A decision of the majority of the members of the Authority or of any committee thereof present and voting at a meeting of the Authority or of such committee shall be deemed to be a decision of the Authority or of such committee, as the case may be. 20

(2) The member presiding at any meeting of the Authority or of any committee thereof shall have a vote and, in the case of an equality of votes, a second or casting vote.

Standing Orders 25

16.—(1) Subject to the provisions of this Ordinance, the Authority may, from time to time, make, vary or revoke Standing Orders for the purpose of regulating the meetings and proceedings of the Authority or of any committee thereof, and such Standing Orders may include, *inter alia*, provisions with respect to the notices to be given of such meetings, the proceedings thereat and the custody of and the production for inspection of the minutes of such proceedings. 30

(2) Such Standing Orders may contain directions concerning the administration of the business of the Authority and the functions of its employees and the manner in which such functions are to be exercised and discharged.

Emergency powers of the General Manager 35

17. In cases of emergency, the General Manager may direct the execution of any work or the doing of any act which the Authority is empowered to execute or do

FIRST SCHEDULE — *continued*

and which he is not by this Ordinance or any Standing Order or rule or regulation made thereunder expressly empowered to do and the immediate execution or doing of which is in his opinion necessary for the operation of the port services or the safety of the public, and may direct that the expense of executing the work or doing the act shall be paid from the funds of the Authority:

Provided that —

(a) he shall not act under this section in contravention of any resolution of the Authority passed at a meeting; and

(b) where he acts under this section, he shall report his proceedings to the next following meeting of the Authority.

Vacancy not to invalidate acts

18.—(1) No act or proceedings of the Authority or any committee thereof shall be questioned on account of any vacancy among the members thereof or on account of the appointment of any member having been defective.

(2) Until the contrary is proved, every meeting of the Authority or of any committee thereof shall be deemed to have been duly convened and held and all the members present thereat shall be deemed to have been duly qualified.

SECOND SCHEDULE

Section 11

POWERS OF THE AUTHORITY

1. To acquire, hire, procure, construct, erect, manufacture, provide, operate, maintain or repair anything whatsoever, whether movable or immovable, required by the Authority for the purposes of this Ordinance;

2. To carry on the businesses of builders and repairers of vessels and machinery, shipbreaking, carriers of passengers or goods by land or sea, stevedores, wharfingers, warehousemen, lightermen, dealers in coal and other kinds of fuel, dealers in stores connected with or required in any of the abovenamed businesses or to carry on any other business which, in the opinion of the Authority, is desirable for the purposes of the Authority;

3. To provide services within the limits of the port and the approaches to the port —

(a) in berthing, towing, mooring, moving, slipping or docking any vessel;

(b) in loading or discharging any vessel;

SECOND SCHEDULE — *continued*

- (c) in sorting, weighing, measuring, storing, warehousing or otherwise handling any goods; and
- (d) in piloting any vessel;
4. To appoint, license and regulate weighers and measurers of goods in the port; 5
 5. To acquire any undertaking affording or intending to afford facilities for the loading and discharging or warehousing of goods in the port or the bunkering of vessels;
 6. To insure goods in the custody of the Authority;
 7. To enter into any contract, covenant, bond, deed, agreement or document of any kind for the purposes of this Ordinance; 10
 8. To supply water to vessels;
 9. To generate, distribute and supply electric and other forms of energy for the purposes of the Authority and to vessels and premises within the limits of the port;
 10. To provide and use, within territorial waters or otherwise, vessels and appliances for the purpose of rendering assistance to any vessel, or recovering property lost, sunk or stranded; 15
 11. To provide such fire service, both within the port and on the high seas, as may be deemed necessary by the Authority for the purpose of extinguishing fires on land, on sea or afloat and of preserving life and property; 20
 12. To control the erection and use of wharves, docks and any other works below high water mark within the limits of the port or the approaches to the port;
 13. To reclaim, excavate, enclose or raise any part of the lands vested in the Authority;
 14. To do anything for the purpose of advancing the skill of persons employed by the Authority, or of the efficiency of the equipment of the Authority, or of the manner in which that equipment is operated, including the provision by the Authority and the assistance of the provision by others, of facilities for training, education and research; 25
 15. To provide houses, hostels and other like accommodation, including convalescent or holiday houses, club houses and playing fields, for persons employed by the Authority; 30
 16. To make or guarantee loans to any person employed by the Authority for the purpose of building a house, purchasing a plot of land on which to build a house or purchasing a house, for the use of such person or for the residential use of his family; 35

SECOND SCHEDULE — *continued*

17. To make loans to persons employed by the Authority for purposes specifically approved by the Authority as likely to increase the efficiency of such persons in their services to the Authority, or otherwise for the purpose of the functions of the Authority.

THIRD SCHEDULE

Sections 48, 49 and 50

PART IA

PORT DUES PAYABLE IN RESPECT OF VESSELS

To be calculated on the net registered tonnage, but where the net registered tonnage of a vessel has not been ascertained, the gross tonnage shall be deemed to be the net registered tonnage of such vessel.

(a) For every vessel entering the port for the purpose of loading or discharging cargo or embarking or disembarking passengers, ten cents per ton, subject to a minimum payment of one dollar and a maximum stay of thirty days;

(b) For every vessel occupying an anchorage or berth within the port —
 (i) for the first period of thirty days—no payment;
 (ii) thereafter at the rate of ten cents per ton per thirty days.

PART IB

PORT DUES PAYABLE IN RESPECT OF HARBOUR CRAFT

To be calculated on the net registered tonnage, but where the net registered tonnage of a harbour craft has not been ascertained, the gross tonnage shall be deemed to be the net registered tonnage of such harbour craft.

		<i>Port dues per ton per annum.</i>	
		\$	c.
Class I	For every harbour craft used for the purpose of carrying cargo and not mechanically propelled, subject to a minimum payment of \$5.00	1	50;
Class II	For every harbour craft used for the purpose of carrying cargo and	2	50;

THIRD SCHEDULE — *continued*

		<i>Port dues per ton per annum.</i>		
		\$	c.	
	mechanically propelled, subject to a minimum payment of \$5.00			5
Class III	For every harbour craft used solely for the purpose of carrying passengers and not mechanically propelled, subject to a minimum payment of \$3.00	1	00;	10
Class IV	For every harbour craft used solely for the purpose of carrying passengers and mechanically propelled, subject to a minimum payment of \$3.00	1	50;	
Class V	For every harbour craft used solely as a tug, subject to a minimum payment of \$20.00	5 00.	00.	15

PART IIA

PILOTAGE DUES

To be calculated (in the case of items 1 to 4) on gross registered tonnage for all vessels other than men-of-war, and on the displacement tonnage in the case of men-of-war.

1. Vessels not exceeding 1,500 tons gross	\$45.00;			
2. Vessels exceeding 1,500 tons gross but not exceeding 3,000 tons gross	\$20.00	plus \$2.00 per hundred tons or part thereof;		25
3. Vessels exceeding 3,000 tons gross but not exceeding 6,000 tons gross	\$45.00	plus \$1.00 per hundred tons or part thereof (with a minimum of \$81.00);		
4. Vessels exceeding 6,000 tons gross	\$108.00	plus 90 cents per hundred tons or part thereof in excess of 6,000 tons gross;		30
5.—(a) If called to any vessel within pilotage limits (except to any vessel in	\$45.00;			35

THIRD SCHEDULE — *continued*

the areas stated at sub-paragraph (b) or (c) of this paragraph) and not required

- 5 (b) If called to any vessel \$90.00;
between Cyrene Shoal and
Sultan Shoal and not required
- (c) If called to any vessel within \$90.00.
pilotage limits east of a line
drawn due south from Siglap
10 Obelisk and not required

PART IIB

ADDITIONAL PILOTAGE DUES

To be calculated (in the case of item 1) on gross registered tonnage for all vessels other than men-of-war, and on the displacement tonnage in the case of men-of-war.

- 15 1.—(a) From Sultan Shoal to any berth or } 90 cents per hundred tons
anchorage and *vice versa* } or part thereof;
- (b) Services rendered east of a line
drawn due south from Siglap
Obelisk
- 20 (c) Vessels not under power when
being towed
2. For detention of pilot on board \$45.00 per completed
hour;
3. For services within pilotage limits:
- 25 (a) between 6.00 p.m. and 9.00 p.m. \$54.00;
(b) between 9.00 p.m. and 6.00 a.m. \$90.00;
4. For services rendered during adjustment \$45.00 per hour or part
of compasses, engine trials, attempts to
refloat stranded vessels or any service
not listed in this Part of this Schedule
and for which the services of a pilot are
30 required

EXPLANATORY STATEMENT

This Bill seeks to establish a corporation to be known as “The Port of Singapore Authority”, consisting of a Chairman, three persons representing the Government of the State of Singapore, one person representing the Government of the Federation and ten other persons. The Chairman and the other members of the Authority, who are to be appointed by the Minister, will each hold office for a period of three years from the dates of their respective appointments and will be eligible for reappointment.

The duties of the Authority are to provide and maintain adequate and efficient port services in Singapore and to promote the use, improvement and development of the port; to regulate and control navigation within the limits of the port and the approaches thereto; to provide pilotage services; and to carry out such other duties as are imposed upon the Authority by the Ordinance. The Authority is empowered to carry on such activities as appear to it to be advantageous, necessary or convenient for the discharge of its duties under the Ordinance, and without prejudice to the generality of the foregoing statement, the Authority may exercise all or any of the powers specified in the Second Schedule to the Bill. With the approval of the Minister, the Authority may also carry on such other activities as it may, from time to time, consider expedient. The Minister is empowered, after consultation with the Authority, to give to the Authority directions of a general character, not inconsistent with the provisions of the Ordinance, as to the exercise and performance by the Authority of its functions in relation to matters appearing to the Minister to affect the interests of Singapore and also to give to the Authority specific directions for the purpose of remedying any defect which may be disclosed in the working arrangements of the Authority.

The Bill provides in Part III for the transfer to the Authority, upon the coming into operation of the Ordinance, of all lands, buildings, and other property of the Singapore Harbour Board, including the Board’s assets, powers, rights, interests and privileges; all the Board’s debts, liabilities and obligations are also to be transferred to the Authority at the same time and be deemed to have been incurred by the Authority. In addition, the Minister for Finance is empowered to transfer to the Authority such land, buildings and other property vested in or belonging to the Government as he may think fit.

Provision is made for the transfer to the service of the Authority of every person employed by the Singapore Harbour Board as well as such employees of the Government, as the Minister thinks fit, who were engaged in discharging any of the functions to be performed by the Authority under the Ordinance, on terms as near as may be to those they had enjoyed immediately prior to the coming into operation of the Ordinance, having regard to the salaries and conditions of service enjoyed by them when in the employ of the Government or of the Singapore Harbour Board, as the case may be. The Minister is empowered to make rules to provide for the payment to Government employees so transferred of benefits not less in value than

the amount of any pension, gratuity or allowance for which they or their dependants would have been eligible under the Pensions Ordinance, 1956 (Ord. 22 of 1956), and the regulations made thereunder, had such employees continued to be in the service of the Government. Insofar as transferred Singapore Harbour Board employees are concerned, until other provision is made, the various regulations relating to their provident fund, pension and superannuation schemes, etc. will continue to apply to the Authority and to such employees in the like manner as the regulations applied both to the Board and to the employees immediately prior to the coming into operation of the Ordinance, and for the purpose of determining the benefits to which such employees become entitled, it is provided that they may count their previous service with the Board.

Part IV of the Bill deals with the property and dockyard undertakings of the Authority. The Authority is empowered to acquire any property for the purposes of the Ordinance and to sell, exchange, lease or let any property vested in or acquired by it. Where any immovable property, not being Crown land, is needed for the purposes of the Authority and cannot be acquired by agreement, the Authority may request and the Yang di-Pertuan Negara may, if he thinks fit, direct the acquisition of such property and in that case such property may be acquired in accordance with the provisions of any written law relating to the acquisition of land for a public purpose. Any land compulsorily acquired may not be sold, exchanged or otherwise disposed of by the Authority without the consent in writing of the Minister.

As soon as practicable after the coming into operation of the Ordinance, the Authority is required to form a private limited company to be known as "The Singapore Drydocks and Engineering Company, Limited", limited by shares to be held by the Authority and having as its principal object the acquisition and taking over as a going concern of the dockyard undertakings of the Authority with a view to carrying on, developing and extending the same.

Further provisions relating to staff are set out in Part V of the Bill. A General Manager is to be appointed by the Authority, with the approval of the Minister, on such terms and conditions as the Authority may think fit. Also to be appointed by the Authority are a Port Master and such number of Deputy Port Masters as it may think fit for all or any of the purposes of the Ordinance. Provision is made for the Authority to approve a list of posts which it thinks necessary for the purposes of the Ordinance, and the first such list of posts is required to contain the posts to be filled by all Government and Singapore Harbour Board employees transferred to the service of the Authority. The Minister may, with the consent of the Public Service Commission, declare that appointments and promotions to such posts or classes of posts as he deems fit and the termination of appointment, dismissal and disciplinary control of persons appointed to such posts, shall be vested in the Authority acting on the advice of the Public Service Commission. The Authority is empowered, subject to the approval of the Minister, to make rules, not inconsistent with the provisions of the Ordinance or of any other written law, for the appointment, promotion, disciplinary control and terms and conditions of service

of all persons employed by the Authority. Subject to the approval of the Minister, the Authority may also make rules for the establishment of a scheme or schemes for the payment of pensions, gratuities, provident fund or other superannuation benefits to such employees or classes of employees of the Authority as it may determine, or to their legal personal representatives or dependants, on their death or retirement from the service of the Authority or on their otherwise leaving such service.

Part VI relates to financial provisions, and the purposes for which the funds of the Authority may be expended are set out. The provisions with regard to the investment of funds and the borrowing powers of the Authority are also herein contained. The Bill provides for a copy of the Authority's annual estimates of income and expenditure and of any supplementary estimates adopted by the Authority to be sent to the Minister, and for a summary thereof to be published in the *Gazette*. It is provided that the Minister shall nominate in each year either the Director of Audit or any person authorised under the Companies Ordinance (Cap. 174) to be an auditor of companies generally, to audit the accounts of the Authority. The Authority's annual statement of accounts and the balance sheet together with the auditor's report thereon, are to be sent to the Minister who will cause them to be presented to the Legislative Assembly as also a copy of every annual report of the Authority.

Part VII seeks to re-enact the provisions of the Port Dues Ordinance, 1960 (Ord. 22 of 1960), relating to the payment of port dues, the provisions of the Merchant Shipping Ordinance (Cap. 207) relating to the scale of pilotage dues and the provisions of the Ports Ordinance (Cap. 208) relating to the levying of rates for services or facilities provided by the Authority and the use of its premises, works and appliances. The Authority is empowered to levy such rates as it may, with the approval of the Minister and by notification in the *Gazette*, from time to time prescribe. No change has been made to the scale of port dues but these dues will be paid into the Authority's funds instead of into the Consolidated Fund. Pilotage dues remain at the same scale. It is provided that the Minister may, from time to time, after consultation with the Authority, by notification in the *Gazette*, alter port dues or pilotage dues.

Part VIII provides for the powers of the Port Master to regulate the movement of shipping within the port and its approaches and re-enacts, with modifications, the provisions relating to the corresponding powers of the Port Officer under the Merchant Shipping Ordinance (Cap. 207). This Part also confers on the Authority the power to make regulations for the maintenance, control and management of the port and its approaches and for the control of vessels and cargo, including dangerous goods, and is largely a re-enactment of parallel provisions in the Merchant Shipping Ordinance (Cap. 207) and the Ports Ordinance (Cap. 208).

Part IX of the Bill seeks in the main to re-enact provisions similar to those contained in Part X of the Merchant Shipping Ordinance (Cap. 207) relating to

pilotage. Whereas under the Merchant Shipping Ordinance, pilots were individually licensed and controlled by the Pilot Board, under this Bill pilots will be employed by the Authority and licensed and controlled by a Pilotage Committee which is to be appointed by the Authority and is to consist of the Port Master, as Chairman, and four other persons. The functions of the Pilotage Committee will be to hold examinations and issue, on behalf of the Authority, licences to act as an Authority pilot; to hold inquiries concerning the conduct of Authority pilots in the discharge of their duties; to make such arrangements as may be necessary for the training of persons selected for or in the pilotage service of the Authority; to investigate and advise on such matters as may be referred to the Committee by the Authority; and to carry out such other functions as are conferred on the Pilotage Committee by the Ordinance. Where the Pilotage Committee, after due inquiry, finds that an Authority pilot has been guilty of misconduct affecting his capability as a pilot or has failed in or neglected his duty as a pilot or has become incompetent to act as a pilot, it is required to submit to the Authority a copy of the record of the inquiry and its findings and recommendations in respect of the inquiry. The Authority may, after considering the findings and recommendations of the Pilotage Committee, suspend or cancel the licence of such Authority pilot or impose any other punishment as the Authority thinks fit. An appeal to the Minister, whose decision is final, is allowed to Authority pilots who are aggrieved by any decision of the Authority in this regard.

Provision is made in this Part to enable the Authority to require any vessel to be under pilotage if the Authority considers this necessary.

The provisions of the Merchant Shipping (Amendment) Ordinance, 1962 (Ord. 12 of 1962), as to the limitation of a pilot's liability by bond have been re-enacted in this Part. Neither the Pilotage Committee nor the Authority is to be liable for any loss or damage occasioned by any act, omission or default of an Authority pilot.

Power is given to the Authority to make regulations for regulating pilotage and for the maintenance of good conduct and discipline of Authority pilots and for matters relating to their duties.

Part X deals with the liability of the Authority. In this Part are re-enacted certain of the provisions of the Ports Ordinance such as the power of the High Court to consolidate claims where any liability is alleged to have been incurred by the Authority and several claims are made in respect of that liability.

The Bill provides in this Part that the Authority shall, in respect of any goods other than transshipment goods deposited with or placed in the custody or control of the Authority for the purpose of shipment or delivery, be deemed to be the agent of the owner of the vessel loading or discharging such goods irrespective of who pays or is liable to pay any rates in respect of the goods.

The Authority is to accept liability for the loss or destruction of, or damage to, transshipment goods (unless caused by *force majeure* or certain other specified

circumstances) from the time the Authority acknowledges the receipt of such goods and until it delivers such goods alongside the on-carrying vessel for loading. In the case of goods other than transshipment goods, the Bill provides that the Authority's liability is to extend to their damage or destruction unless caused by *force majeure* or certain other specified circumstances. The maximum liability for transshipment and non-transshipment goods is fixed at two thousand dollars per package or unit unless the nature and value of the goods contained therein have been declared to the Authority prior to delivery and such value has not been misstated.

In acting as agent of the owner of a vessel for goods other than transshipment goods (as hereinbefore mentioned), the Authority's liability is not to extend to any loss caused by reason of short delivery of any goods deposited with or placed in the custody or control of the Authority or any failure by the Authority to deliver or account for the same. As an alternative, however, the Authority is required, on application being made to it by the owner of any vessel, to enter into a contract with him whereby the Authority will accept liability for such loss, and for this purpose the Authority may prescribe the terms and conditions of such contract and may, with the approval of the Minister, prescribe the rates to be levied; where any such application is made, the Authority is given the discretion to refuse to enter into such contract unless the contract is in respect of all of the goods to be loaded into or discharged from a vessel.

The Authority is empowered to accept goods for storage as well as liability for any loss, destruction or damage to such goods.

Part X of the Bill also provides that the Authority shall not be liable for any loss or damage whatsoever to any sea or river wall, wharf, dock or other property as a result of any dredging which may be carried out by the Authority within the port and its approaches so long as such dredging is confined to the limits and levels prescribed by the Authority with the approval of the Minister and published in the *Gazette*.

Part XI of the Bill mainly re-enacts such of the provisions of the Merchant Shipping Ordinance (Cap. 207) and the Ports Ordinance (Cap. 208) relating to offences as are germane to this Bill.

Part XII, *inter alia*, largely reproduces, with necessary changes, certain of the procedural and other provisions of the Ports Ordinance, the Merchant Shipping Ordinance and the Local Government Ordinance, 1957 (Ord. 24 of 1957), which are not covered by other parts of the Bill.

The Authority is empowered, subject to the provisions of the Police Force Ordinance, 1958 (Ord. 32 of 1958), to create and employ an Auxiliary Police Force within the limits of the port.

This Part also contains the necessary transitional provisions, *inter alia*, for the continuance of schemes, contracts, licences, etc. made or approved under the

repealed Ordinances and under the provisions of the Merchant Shipping Ordinance relating to such functions as are transferred to the Authority under this Ordinance as well as for the continuance of subsidiary legislation made under any written law repealed by this Ordinance.

EXPENDITURE OF PUBLIC MONEY

This Bill will not involve the Government in any extra financial expenditure.

TABLE OF DERIVATIONS

P.O.	=	The Ports Ordinance (Cap. 208).
M.S.O.	=	The Merchant Shipping Ordinance (Cap. 207).
L.G.O.	=	The Local Government Ordinance, 1957 (No. 24 of 1957).
H.D.O.	=	The Housing and Development Ordinance, 1959 (No. 11 of 1959).
P.D.O.	=	The Port Dues Ordinance, 1960 (No. 22 of 1960).
S.T.B.O.	=	The Singapore Telephone Board Ordinance (Cap. 107).
S.O.T.B.O.	=	The Singapore Overseas Telecommunication Board Ordinance, 1962 (No. 13 of 1962).
F/M. Ord.	=	The Federation of Malaya Electricity Ordinance, 1949 (No. 30 of 1949).
N.P.O.	=	The Nigerian Ports Ordinance, 1954.

Clause of Derivation.
Bill.

2	Section 3, P.O., section 3, M.S.O. and section 2, N.P.O.
3 (1)	Section 6, M.S.O. and section 6(1), N.P.O.
3 (2)	Section 7(1), M.S.O.
3 (3)	New.
4	Section 3, F/M. Ord.
5	Section 4(1), H.D.O.
6	Section 8(6), N.P.O.
7	Section 8, S.T.B.O. and section 8(5), N.P.O.
8	Section 50, L.G.O.
9	Section 52(1), L.G.O.
10	Section 11(1), N.P.O.
11 (1)	Section 12(1), N.P.O.
11 (2)	New.
11 (3)	Section 12(3), N.P.O.
12 (1)	Section 15(2), H.D.O. and section 14(3), N.P.O.

Clause of Derivation.
Bill.

12 (2)	Section 15(1), H.D.O. and section 14(1), N.P.O.
12 (3)	Section 14(2), N.P.O.
13 (1)	Section 63(1), L.G.O.
13 (2)	Section 275(2), L.G.O.
13 (3)	Section 63(2), L.G.O.
13 (4)	Section 63(3), L.G.O.
13 (5)	Section 64, L.G.O.
13 (6)	Section 65, L.G.O.
14 (1)	Section 56(1), L.G.O.
14 (2)	Section 56(2), L.G.O.
15	Section 7, S.O.T.B.O.
16	Section 9, S.O.T.B.O.
17	Section 35, H.D.O.
18	New.
19	New.
20	Section 15(1), S.O.T.B.O. and section 57, L.G.O.
21 (1)	Section 16, S.O.T.B.O.
21 (2)	New.
22 (1)	Section 30(1), P.O.
22 (2)	Section 30(3), P.O.
23 (1)	Section 60(1), L.G.O.
23 (2)	Section 60(2), L.G.O.
24	Section 200, L.G.O.
25	Section 61, L.G.O.
26 (1)	Section 86(1), P.O.
26 (2)	Section 86(2), P.O.
26 (3)	New.
27 (1)	Section 92, P.O.

Clause of Bill. Derivation.

27 (2)	Section 315(2) and (3), L.G.O.
28 (1)	Section 38(1), P.O.
28 (2)	Section 38(2), P.O.
28 (3)	Section 38(7), P.O.
29	New.
30	New.
31	New.
32 (1)	New.
32 (2)	Section 11(4), L.G.O.
32 (3)	New.
32 (4)	Section 29(2), H.D.O.
33	New.
34 (1)	Section 18(1), P.O. and section 12(1), L.G.O.
34 (2)	New.
34 (3)	Section 12(4), L.G.O.
34 (4)	Section 12(3), L.G.O.
34 (5)	Section 12(8), L.G.O.
34 (6)	New.
35 (1)	Section 13(1), L.G.O. and section 33(1), H.D.O.
35 (2)	Section 33(2), H.D.O.
35 (3)	Section 18(2), Pensions Ordinance, 1956 (No. 22 of 1956).
36 (1)	Section 20(2), P.O.
36 (2)	Section 20(3), P.O.
36 (3)	Section 20(4), P.O.
36 (4)	Section 20(5), P.O.
36 (5)	Section 20(6), P.O.
36 (6)	Section 20(7), P.O.
37	Section 20(10), P.O.

Clause of Bill. Derivation.

- 38 (1) Section 46, P.O. and section 22(1), S.T.B.O.
- 38 (2) Section 22(2), S.T.B.O.
- 39 Section 23, S.T.B.O.
- 40 (1) Section 31(1), P.O. and section 30, N.P.O.
- 40 (2) Section 31(2), P.O.
- 40 (3) Section 89(1), L.G.O.
- 41 Section 80(1), L.G.O.
- 42 (1) Section 49, P.O. and section 71, L.G.O.
- 42 (2) Section 51, P.O. and section 74, L.G.O.
- 42 (3) Section 72(3), L.G.O.
- 42 (4) Section 72(4), L.G.O.
- 43 (1) Section 44(1), P.O., section 69(1), L.G.O. and section 24(1), S.T.B.O.
- 43 (2) Section 69(3), L.G.O. and section 43(2), H.D.O.
- 43 (3) Section 32(2), N.P.O.
- 44 (1) Section 52(1), P.O., section 75(1), L.G.O. and section 43(3), H.D.O.
- 44 (2) Section 52(7), P.O., section 75(3), L.G.O. and section 43(4), H.D.O.
- 44 (3) Section 52(3), P.O., section 76(1), L.G.O. and section 44(1), H.D.O.
- 44 (4) Section 77, P.O., section 76(2), L.G.O. and section 44(2), H.D.O.
- 45 Section 52(4), P.O.
- 46 (1) Section 52(5), P.O., section 69(4), L.G.O., section 25(3), F/M. Ord. and section 46(1), H.D.O.
- 46 (2) Section 25(4), F/M. Ord.
- 47 Section 26, S.T.B.O.
- 48 (1) Section 3(1), P.D.O.
- 48 (2) Section 3(2), P.D.O.

Clause of Bill. Derivation.

49	Section 4, P.D.O.
50 (1)	Section 402(1), M.S.O.
50 (2)	Section 404, M.S.O.
51	Section 12, P.D.O.
52	Section 5(1), P.D.O.
53	Section 9, P.D.O.
54 (1)	Sections 39(1) and (3), 40(1) and 41(1), P.O. and section 70, N.P.O.
54 (2)	Section 40(2), P.O.
54 (3)	Section 43, P.O.
55	Section 41(2), P.O.
56	Section 76, N.P.O.
57 (1)	Section 55(1), P.O.
57 (2)	Section 55(2), P.O.
57 (3)	Section 55(3), P.O.
57 (4)	Section 55(4), P.O.
58	Section 56, P.O.
59 (1)	Section 57(1), P.O.
59 (2)	Section 57(2), P.O.
59 (3)	Section 57(3), P.O.
59 (4)	New.
60	Section 58, P.O.
61	Section 8(1)(a) and (b), P.D.O.
62 (1)	Sections 65(1) and 66(1), P.O. and section 419(1), M.S.O.
62 (2)	Section 65(2), P.O. and section 419(1), M.S.O.
62 (3)	Section 65(2), P.O. and section 295(3), M.S.O.
62 (4)	Section 67, P.O. and section 419(2), M.S.O.
63	Section 420, M.S.O. and section 42, N.P.O.

Clause of Derivation.
Bill.

64	Section 421, M.S.O.
65 (1)	Section 441(1), M.S.O.
65 (2)	Section 297(1), L.G.O.
65 (3)	Section 297(3), L.G.O.
66	Section 451, M.S.O.
67	Section 465, M.S.O.
68	Section 467, M.S.O.
69	Section 499, M.S.O.
70	Section 470(2), M.S.O.
71 (1)	Section 45(1), N.P.O.
71 (2)	Section 380(3), M.S.O.
71 (3)	New.
72 (1)	New.
72 (2)	Section 46(3), N.P.O.
73	New.
74	Section 382, M.S.O. and section 50, N.P.O.
75	Section 381, M.S.O. and section 49. N.P.O.
76	New.
77	New.
78 (1)	Section 389(1), M.S.O.
78 (2)	New.
78 (3)	Section 392, M.S.O.
78 (4)	New.
78 (5)	New.
79 (1)	New.
79 (2)	Section 53, N.P.O.
79 (3)	Section 54, N.P.O.
80	Sections 55(1), 56 and 57, N.P.O.

Clause of Bill. Derivation.

81	Section 417, M.S.O. and section 59, N.P.O.
82	Section 412, M.S.O.
83 (1)	Section 96(1), N.P.O.
83 (2)	Section 412A, M.S.O.
84	Section 413, M.S.O.
85	Section 395, M.S.O. and section 58, N.P.O.
86	Section 100, P.O.
87	Section 101, P.O.
88	New.
89	New.
90	New.
91	New.
92	Section 102, P.O.
93	Section 103, P.O.
94	New.
95	Section 105, P.O.
96 (1)	New.
96 (2)	Section 104, P.O.
97	Section 296, L.G.O.
98 (1) (a)	Section 434, M.S.O.
98 (1) (b)	Section 433(2), M.S.O.
98 (1) (c)	Section 447, M.S.O.
98 (1) (d)	Section 449, M.S.O.
98 (1) (e)	Section 450, M.S.O.
99 (1)	Section 407(1), M.S.O.
99 (2)	New.
99 (3)	Section 407(2), M.S.O.
99 (4)	Section 407(3), M.S.O.

Clause of Derivation.
Bill.

99 (5)	Section 407(4), M.S.O.
100	Section 409, M.S.O.
101	Section 410, M.S.O.
102	Section 105(1), N.P.O.
103 (1)	Section 78, P.O.
103 (2)	Section 81, P.O.
104	Section 110, N.P.O.
105	Section 406(2), M.S.O.
106	New.
107 (1)	Section 63(1), P.O.
107 (2)	Section 63(2), P.O.
108 (1)	Section 59, P.O.
108 (2)	Section 60, P.O.
108 (3)	Section 61, P.O.
109	Section 64, P.O.
110	Section 117, N.P.O.
111	Section 38(5), P.O.
112	Section 14, S.O.T.B.O.
113	Section 36, P.O.
114	Section 305, L.G.O.
115	Section 306(1), L.G.O.
116	Section 293(1), L.G.O.
117	Section 294, L.G.O.
118	Section 310(1) and (3), L.G.O.
119 (1)	Section 311(2), L.G.O.
119 (2)	Section 311(3), L.G.O.
120	Section 297, L.G.O.
121	Section 303, L.G.O.

Clause of Bill. *Derivation.*

122	Section 308, L.G.O.
123	Section 5 of Part II of the Fifth Schedule, Exchange Control Ordinance (Cap. 216).
124	Section 94, P.O.
125	Section 476, M.S.O.
126	Section 314, L.G.O.
127	Section 312, L.G.O.
128 (1)	Section 2, L.G.O.
128 (2)	Section 321(3), L.G.O.
128 (3)	Section 2(2), P.O.
128 (4)	Section 29, S.T.B.O.
128 (5)	Section 27(3), H.D.O.
128 (6)	New.
129	Section 54(3), S.O.T.B.O.
130	Section 95, P.O.
131	Repeal.